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A COMPLEAT
HISTORY

Of the Whole

PROCEEDINGS

OF THE

Parliament of Great Britain,

AGAINST

Dr. Henry Sacheverell:

WITH HIS

TRYAL before the House of Peers,

FOR

High Crimes and Misdemeanours;

The Reasons of those Lords that enter'd their Protests; and
the Speeches of several Lords before Judgment was given.

L O N D O N:

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HISTORICAL

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TRIAL before the House of Peers

High Crimes and Misdemeanours

By J. G. ...

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A COMPLEAT

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Of the Whole

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OF THE

House of Commons

AGAINST

Dr. Henry Sacheverell.



THE most remarkable Transaction in the Parliament, 1709-10 was the Business relating to Dr. Henry Sacheverell, whose Sermon preached at St. Paul's on the 5th of November 1709, before the Lord Mayor and Court of Aldermen of the City of London; as also another Sermon preached by the said Doctor at the Assizes held at Derby, on the 15th of August in the same Year, having given no small

small offence to abundance of people, a complaint was, on the 13th of December, made in the house of commons of two printed books; the one entituled, *The Communication of Sin; A Sermon, preach'd at the Assizes held at Derby, Aug. 15. 1709; By Doctor Henry Sacheverell*; And the other entituled, *The Perils of False Brethren both in Church and State; Set forth in a Ser-*

mon preach'd before the Right Honourable the Lord Mayor, Aldermen, and Citizens of London, at the Cathedral Church of St. Paul's, on the 5th of November, 1709, preach'd also by the said Dr. Henry Sacheverell; and both printed for Henry Clements; which Books were deliver'd in at the table; where several paragraphs in the Epistle * Dedicatory preceding the first-mention'd

* *To the Right Worshipful George Sacheverell, Esq; High-Sheriff of the County of Derby, and to the Honourable Gentlemen of the Grand Jury. Gentlemen, The Peculiar honour you were pleas'd to confer upon me after the delivery of this plain discourse, was so signal, that nothing less than this publick acknowledgment, can acquit me of Ingratitude. Now, when the Principles, and Interests of our Church, and Constitution, are so shamefully betray'd, and run down, it can be no little comfort to all those who with their Welfare and Security; to see, that notwithstanding the secret Malice, and open Violence they are persecuted with, there are still to be found such worthy Patrons of both, who dare own and defend them as well against the rude and presumptuous Insults of the one side, as the base, undermining Treachery of the other, and who icorn to sit silently by, and Partake in the sins of these associated Malignants. Tho' the Truth seems to be so much forsaken at present, yet God be thank'd, they shall yet find to our honour, that we have still amongst us those who have Courage to speak it, as well as those who have Lives and Fortunes to maintain it: And tho' the age is sunk into the lowest dregs of Corruption, that it cannot endure sound Doctrine, there are not wanting some to preach it, and others to support it, at the expence of Both. May the Influence of your good Examples, which as much animates our Friends, at it terrifies our Enemies, be as diffusively Prevailing, as 'tis nobly Conspicuous; and the Blessing of that Church attend you, which you so eminently adorn and sustain! And, as I am oblig'd by the relation I have the honour to bear to your Family, may a double Portion of divine Favour rest on you (Mr. High-Sheriff) whose commands I was ready to execute in this Office, since you thought neither the advancement of your years, so generously expended for the good of your Country, nor the great Trouble attending this Post, sufficient to*

against Dr. Henry Sacheverell.

Book; and also several Paragraphs in the latter Book, were read; after which it was

Resolved,

That a Book, entituled, *The Communication of Sin*; being a Sermon preached at the Assizes held at Derby, August 15. 1709: And a Book, entituled, *The Perils of false Brethren both in Church and State*; set forth in a Sermon preached before the Right Honourable the Lord Mayor, Aldermen and Citizens of London, at the Cathedral Church of St. Paul, on the 5th of November 1709; are malicious, scandalous, and seditious Libels; highly reflecting upon her Majesty and Government, the late happy Revolution, and the Protestant Succession as by Law established, and both Houses of Parliament: tending to alienate the Affections of her Majesty's good Subjects, and to create Jealousies and Divisions among them. And

Ordered,

That Dr. Henry Sacheverell, and Henry Clements, do attend at the Bar of the House to morrow.

John Dolben, Esq; made the first motion against the two Sermons,

and was seconded by Spencer Cowper, Esq; but they were opposed by several gentlemen, who said, They did not perceive there was any thing in the sermons, malicious, scandalous, or seditious; nor reflecting on her majesty and government, the late happy revolution, and the protestant succession. What concern'd both houses of parliament was suppos'd to be the vote passed four or five years before, about the church being in danger: And as to that, it was affirm'd the church was then in danger, was still in danger, and it was to be fear'd would always be in Danger; not from her majesty's administration, but from Papists on the one hand, and fanaticks on the other; from these her profess'd enemies, and from false brethren. It was own'd, there were some warm expressions in the sermon preach'd at St. Pauls: And no Wonder that a true son of the church of England should express himself with some warmth and vehemence, against the liberties that were taken, and with impunity, to revile the church, her doctrines and ministers, to blaspheme the name of God, and to insult, and treat with contempt, every thing that is sacred.

exempt you from shewing that steady Loyalty and Zeal to serve her Majesty and the Government, for which you have been remarkably distinguished.

I am, with all Regard, Gentlemen,

Your very humble Servant,

Henry Sacheverell.

On the 14th of December, the house being inform'd, that Dr. Henry Sacheverell and Henry Clements attended, according to order; Dr. Sacheverell was call'd in, and, at the bar, was examin'd touching the two sermons complain'd of to the house; where he owned the preaching, the directing of the printing, and publishing the sermon preached the 5th of November 1709, at the Cathedral Church of St. Paul, and the Dedication of it; and also, that the Epistle Dedicatory to the Sermon preached at the Assizes at Derby, the 15th of August 1709, was agreeable to that which he put to the Impression of that Sermon, which he directed to be printed and published.

And being withdrawn, and the Question being propos'd, That the said Dr. Henry Sacheverell be Impeach'd of High Crimes and Misdemeanors, he was call'd in again, and ask'd, *If he had any Thing to offer to the House?* When he spoke to this effect: *Mr. Speaker, I am very sorry, I am fallen under the Displeasure of this House; I did not imagine, any Expressions in my Sermons were liable to such a Censure as you have pass'd upon them. If you had been pleas'd to have favour'd me so far, as to have hear'd me before you pass'd it, I hope I should have explained myself so, as to have prevented it.* And after being heard he was directed to withdraw.

Then the Question was insisted

on, for Impeaching the Doctor of High Crimes and Misdemeanors. And several Gentlemen spoke against it, desiring he might rather be prosecuted by the Attorney-General; and if the Sermons were seditious, if they did reflect on Her Majesty and Government, the happy Revolution, and the Protestant Succession as by law Establish'd, the Doctor would be convicted, and punished for them according to his Demerits.

However, the question being put, it was Resolved,

That the said Dr. Henry Sacheverell be Impeached of High Crimes and Misdemeanors, And

Ordered,

That Mr. Dolben do go to the Lords, and, at their Bar, in the Name of all the Commons of Great-Britain, Impeach the said Dr. Henry Sacheverell of High Crimes and Misdemeanours, and acquaint the Lords, *That the House will in due time exhibit Articles against the said Dr. Sacheverell.*

Ordered,

That a Committee be appointed to draw up Articles of Impeachment against the said Dr. Sacheverell.

And a Committee was appointed accordingly, with Power to send for Persons, Papers, and Records, and to sit *de die in diem*.

Then Henry Clements was call'd in, and at the Bar was examined touching his printing and publishing the said two Books; which he own'd,

own'd, and that he had the copies of them from Dr. *Sacheverell*. After which he was directed to withdraw.

Ordered,

That the said Dr. *Henry Sacheverell* be taken into the Custody of the Serjeant at Arms attending the House.

Sir *Samuel Garrard*, Bar. Lord Mayor of the City of *London*, was in the House, in his Place: And the Speaker observing to the Doctor, 'That the House took Notice, he had affirm'd, in the Epistle Dedicatory to my Lord-Mayor of *London*, before the Sermon preach'd at *St. Pauls*, that he had publish'd it by his Lordship's Command;' he was ask'd, 'Whether my Lord-Mayor did command him to publish his Sermon?' To which he answer'd, 'That, in the strict Sense of the Word *Commnd*, he did not; but in the common Acceptation of the Word, as the Desires of Superiors to their Inferiors are said to be *Commands*, he did command him, for he did desire and press him to print it.' Then he gave a particular Account of the Conversation he had, at several times, with my Lord-Mayor, about it. Which was attended with such Circumstances, that tho' his Lordship thought fit peremptorily to deny, yet every one that heard what the Doctor said, seem'd to give him Credit.

After this, the two following Resolutions pass'd.

Resolved,

That the Reverend Mr. *Benjamin Hoadly*, Rector of *St. Peters-Poor*, *London*, for having so strenuously justify'd the Principles on which her Majesty and the Nation proceeded in the late happy Revolution, hath justly merited the Favour and Recommendation of this house.

Resolved,

That an humble address be presented to her Majesty, That She will be graciously pleased to bestow some dignity in the Church on the said Mr. *Hoadly*, for his eminent services both to Church and State.

These were propos'd by Mr. *An. Henly*, and seconded by Sir *Jos. Jekyll*. However, there were several Negatives to these Resolutions. And 'tis observable, That when this address was presented to the Queen by Mr. Secretary *Boyle*, her Majesty was pleas'd to answer, That She would take a proper Opportunity to comply with their desire.

On the 15th of *December* the Commons order'd, That Mr. *Dolben* (when he goes to the Lords, to impeach Dr. *Henry Sacheverell* of high crimes and misdemeanors) do acquaint the Lords, That the said *Henry Sacheverell* is in the custody of the Serjeant at Arms attending the House, ready to be deliver'd to the Gentleman-usker of the Black-rod, when the Lords shall please to give Order therein.

Mr.

Mr. *Dolben* reported to the house, That he had, pursuant to their Order, been at the Lords; and, at their Bar, had impeach'd Dr. *Henry Sacheverell* of high crimes and misdemeanors; and had also acquainted the Lords with their other Order.

On the 17th a Petition of *Henry Sacheverell*, D. D. in custody of the Serjeant at Arms attending the house, was presented to the house, and read; praying, that the house will be pleas'd to order him to be admitted to bail, that he may have an opportunity of making his defence, being inform'd that he is impeach'd at the Bar of the house of Lords for high crimes and misdemeanors.

Ordered,

That a Committee be appointed to search precedents concerning the taking bail in cases of Persons committed for high crimes and misdemeanors; and that they do make their report thereof to the house upon Monday morning next.

Ordered,

That it be referr'd to the Committee who are to draw up the Articles of impeachment against Dr. *Henry Sacheverell*, to search precedents, and make report thereof to the house.

There was some debate before the house order'd a Committee.

On the 19. Mr. *Dolben* acquainted the house, That the Committee who were upon Saturday

last appointed to search precedents concerning the taking bail in Cases of Persons committed for High Crimes and Misdemeanors, and to report the same to the House this Day, and made all the Progress they could in so short a time; but that they found, it requir'd more time, and had directed him to move, That they may have farther time to make their Report.

Ordered,

That the said Committee do search the Lords Journals, in relation to the Proceedings upon Impeachments by the Commons, and make their Report thereof to the House with all convenient Speed.

Ordered,

That all Committees be adjourn'd, except the Committee who are appointed to draw up the Articles of Impeachment against Dr. *Henry Sacheverell*; and who are to search the Lords Journals in relation to the Proceedings upon Impeachments by the Commons.

On the 22d. Mr. *Dolben* reported from the Committee appointed to search Precedents concerning the taking Bail in Cases of Persons committed for High Crimes and Misdemeanours, and to search the Lords Journals in relation to the Proceedings upon Impeachments by the Commons, and to make their Report to the House, That they had searched Precedents, and the Lords Journals, accordingly; and

against Dr. Henry Sacheverell.

and had directed him to report what Precedents they had found; which he read in his Place, and afterwards delivered in at the Table, where the same were read. their Petition, consented to bail them; and they had been bailed, but their Sureties made Objections to the Condition of their Bonds, and would not submit to it.

And a Motion being made, and the Question being put, *That Dr. Henry Sacheverell* be admitted to bail, according to the Prayer of his Petition, it passed in the Negative.

Yeas 79. No's 114.

In the debates on this Matter, there was a great Variety of Opinions: Some thought, the Commons might bail a Person committed by them, but not in this Case. Others, that it was discretionary in them, whether they would bail, or not; and that this person deserved it not from them; and one, that the Commons could never bail in any Case.

Others insisted, in Favour of Liberty, that if they could bail, they ought to bail; and that they could bail, argu'd from the Equity and Reasonableness of the Thing, that those who could commit, might bail: They shewed Precedents in the Case of Mr. *Seymour* and the Smugglers, impeach'd for High Crimes and Misdemeanors; in one of which, the Persons impeach'd and committed by the House of Commons, was admitted to bail; in the other, the Commons, upon

Besides, it was urged, that this Case was in itselfailable, and so agreed by all Gentlemen; and that the Dr's Hardship might be the greater, because it was probable if the Commons did not bail him, he must lie in Custody whenailable by Law, till after the Recess of Parliament: For the Articles not being exhibited to the Lords against him, it was thought, the Lords would not take him out of the Custody of the Commons, and commit him upon a general charge, and till they committed him they could not bail him.

This was his case; for upon Application to the Lords, they refused to commit him, till the Commons had exhibited their Articles: The Lords said, the Commons might never exhibit any; and they would not do so unreasonable a Thing, as to commit any one, on a general charge.

And so he lay a prisoner by the commitment of the House of Commons, in a Caseailable by Law, and for which there were Precedents for the Commons admitting to bail, from *December 14.* to *January 12.* It is observable, That some urged against the bailing the Doctor, one part of the Message delivered by Mr. *Dolben* to the Lords,

Lords, when he impeach'd him at their Bar, *'That the Doctor was in Custody of the Serjeant at Arms attending the House, ready to be delivered to the Gentleman Usher of the Black-Rod, when the Lords should please to give Order therein: But others, that agreed with them against admitting him to bail, approved of Expedients to get off that, and did not think it reasonable to preclude him from it by their own Message.*

There was one Thing in this Debate gave some Diversion to the House.

An honourable Member, declaring himself against bailing Dr. Sacheverell, said, He would put them in mind of the case of Mr. Thompson. He was a Parson too; he was impeach'd by the Commons for High Crimes and Misdemeanours; he was bailed by them; he afterwards ran beyond Sea, turned Priest and so evaded their Justice; and, he believed, this *Fellow* would do so too.

To this, another Gentleman answered, He believed the noble Lord was as much mistaken in his Conclusion, as he was in his Premises. He did not believe the Doctor would run away, if he was bailed. And as to the Precedent of Mr. Thompson, the noble Lord was as much mistaken in every Part of it, except that he was a Parson; for he was not bailed by the Commons, he did not run beyond Sea,

and turned Priest, and so evaded their Justice.

The Parliament that impeach'd him was soon after dissolved: he was made Dean of Bristol, & lived and died so.

On the 9th of January 1709-10. Mr. Dolben reported from the Committee appointed to draw up Articles of Impeachment against Dr. Henry Sacheverell, *That they had drawn up Articles accordingly, which they had directed him to report to the House: And he read them in his Place, and afterwards delivered them in at the Table, where they were read.*

It was then propos'd, that it being impossible the Members could make their Observations on the Articles in such Readings, and the Honour of the House being concern'd to have them such as might be justified, a little Time should be allowed, before they were read the second Time, to consider them; and to convince others, they intended not Delay by it, they only ask'd till *Wednesday*.

This was order'd; but then it was moved, that no Copies might be taken of the Articles, because it was not proper they should be made publick in the Coffee-Houses, nor shewed to the Doctor, before they were agreed to, and carried up to the Lords.

On the other Hand, it was urg'd, This was precluding Members of their Right by unreasonable Suppositions;

sions; that they had a Right to take copies of any Papers before the House, for their Information; and it was not to be imagin'd, they would publish the Articles in Coffee-Houses, or shew them to the Doctor. And, what if they did shew them to him? Were they to be kept a Secret from him? Would he not have a copy of the Articles ordered him by the Lords, as soon as they were carried to them? And what Advantage would it be to him, or Disadvantage to the Commons, to see them sooner? But, if copies were not to be taken of the Articles; it was no Favour, no Benefit to put off the consideration of them; it had an Appearance of doing what was fair and reasonable, but would, in Truth, be doing nothing; for without taking copies of them, they could not be considered.

And it having been said, by one Gentleman, That this was an extraordinary Thing, and what had never been done before; another replied, He thought it extraordinary, but could not agree, it had never been done before; he remembered the like, when Sir John Fenwick's Confessions had been read in the House of Commons; they were order'd to be seal'd up by the Speaker, that no copies might be taken of them.

He did not approve that Precedent so well as to follow it; he wished copies had been taken of those

Papers, and that they had been printed; he believ'd, the Kingdom would have been the better for them, at this Day.

After these Debates, this Motion was waved.

On the 11th of January, The Order of the Day being read, for the Reading a second Time the report from the Committee to whom it was refer'd to draw up Articles of Impeachment against Dr. Henry Sacheverell.

Ordered, That the Report be read paragraph by paragraph.

Then the first Paragraph (being the Preamble to the Articles) being read, and a Motion being made, and the Question being put, that the Report be recommitted, it passed in the Negative.

Yeas 131. No's 232.

Ordered,

That Candles be brought in; and Candles were brought in accordingly.

Resolved,

That the House doth agree to the said first Paragraph.

Then the Articles being severally read one by one, were (upon the Question severally put thereupon) agreed unto by the House, to be the Articles to be exhibited against the said Dr. Henry Sacheverell.

Then

Then the last paragraph being read, the same was agreed unto by the House.

Ordered,

That the Articles be Engrossed.

There were great Debates in Relation to the recommending the Articles of Impeachment. In which some Mistakes were shewn in the Preamble to the Articles, and wrong Inferences drawn from them. And the Articles were said to be so uncertain, it was impossible any one could plead to them; and it was pressed, that those who drew them up, would let the House know on what Paragraphs in the Sermons they were grounded. To this it was answer'd, That was too early,

when they only had the Preamble under Consideration; when the Articles were read, they would produce the Passages in the Sermons.

On the 12th of *January*. The engrossed Articles of Impeachment against Doctor *Henry Sacheverell*, were read.

Ordered,

That the said Articles be carried to the Lords, by Mr. *Dolben*.

At this Time, there was no Debate nor Division upon the Articles, only a loud Negative of some Members to the Question of carrying them up to the Lords. The same Day Mr. *Dolben* carried these Articles to the Lords, who read them the first Time; being as follows,

J A N U A R Y 10. 1709.

Articles exhibited by the Knights, Citizens, and Burgeses in Parliament assembled, in the Name of themselves, and of all the Commons of Great Britain, against *Henry Sacheverell*, D. D. in Maintenance of their Impeachment against him, for high Crimes and Misdemeanors.

WHEREAS his late Majesty King *William* the III^d. then Prince of *Orange*, did, with an armed Force, undertake a glorious Enterprize, for delivering this Kingdom from Popery, and arbitrary Power; and divers Subjects of this Realm, well affected to their Country, join'd with, and assisted his late Majesty in the said Enterprize: And it having pleased Almighty God to crown the same with Success, the late happy Revolution did take Effect, and was established:

established: And whereas the said glorious Enterprize is approved by several Acts of Parliament, and amongst others by one made in the first Year of the Reign of King William and Queen Mary, entituled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*: and also by another act made in the same Year, intituled, *An Act for appropriating certain Duties for paying the States General of the United Provinces their Charges for his Majesty's Expedition into this Kingdom, and for other Uses*: and the actings of the said well-affected Subjects, in aid and pursuance of the said Enterprize, are also declared to have been necessary, and that the same ought to be justified.

And whereas the happy and blessed Consequences of the said Revolution, are the Enjoyment of the Right of God's true Religion established among us, and of the Laws and Liberties of the Kingdom; the uniting her Majesty's Protestant Subjects in Interest and Affection, by a Legal Indulgence, or Toleration, granted to Dissenters; the Preservation of her Majesty's Sacred Person; the many and continual Benefits arising from her Majesty's wise and glorious Administration, and the Prospect of Happiness for future Ages, by the Settlement of the Succession of the Crown in the Protestant Line,

and the Union of the Two Kingdoms.

And whereas the Lords Spiritual and Temporal, and Commons in Parliament assembled, did, by their Address of the 17th of December 1705, lay before her Majesty the following Resolution, viz. *That the Church of England, which was rescued from the extreamest Danger by King William the Third, is now, by God's Blessing under the happy Reign of her Majesty, in a most safe and flourishing condition; and that whoever goes about to suggest and insinuate, that the Church is in Danger under her Majesty's administration, is an Enemy to the Queen, the Church and the Kingdom.*

And by their said address humbly beseeched her Majesty to take effectual measures for making the said Resolution publick; and also for the punishing Authors and Spreaders of such seditious and scandalous Reports.

And on the 20th of the same month, her Majesty was pleased to issue her Royal Proclamation accordingly.

Yet nevertheless the said Henry Sacheverell preached a Sermon at Derby, August 15, 1709, and afterwards published the same in Print, with a Dedication thereof.

And the said Henry Sacheverell also preached a Sermon at the Cathedral Church of St. Paul, before the Lord Mayor, Aldermen, and Citizens

Citizens of *London* on the 5th of *November* last, being the Anniversary from the *Gunpowder Treason*, and for beginning the late happy Revolution, by giving his late Majesty a safe Arrival here, and for compleating the same, by making all Opposition fall before him, till he became our King and Governor; which said Sermon, he the said *Henry Sacheverell* afterwards likewise published in Print, with a Dedication thereof to Sir *Samuel Garrard*, Baronet, Lord Mayor of the City of *London*; and with a wicked, malicious and seditious intention to undermine and subvert her Majesty's Government, and the Protestant Succession, as by Law establish'd; to defame her majesty's Administration; to asperse the memory of his late majesty; to traduce and condemn the late happy revolution: to contradict and arraign the Resolution of both houses of parliament; to create Jealousies and Divisions amongst her majesty's Subjects, and to incite them to Sedition and Rebellion.

A R T I C L E I.

He, the said *Henry Sacheverell*, in his said Sermon preached at *St. Paul's*, doth suggest and maintain, 'That the necessary means used to bring about the said happy Revolution, were odious and unjustifiable; that his late Majesty in his Declaration, disclaimed the least

Imputation of Resistance; and that to impute resistance to the said happy revolution, is to cast black odious colours upon his late majesty, and the said revolution.

A R T. II.

He, the said *Henry Sacheverell*, in his Sermon preach'd at *St. Paul's* doth suggest and maintain, 'That the aforesaid toleration, granted by the law, is unreasonable, and the allowance of it unwarrantable, and asserts, that he is a false Brother with relation to God's Religion, or the Church, who defends toleration and liberty of conscience; That Queen *Elizabeth* was deluded by Arch-bishop *Grindall*, whom he scurrilously calls a false Son of the Church, and a perfidious Prelate to the toleration of the *Genevian Discipline*; and that it is the Duty of superior Pastors to thunder out their ecclesiastical Anathemas against Persons entitled to the benefit of the said Toleration, and insolently dares, or defies any power on Earth to reverse such Sentences.

A R T. III.

He, the said *Henry Sacheverell*, in his Sermons preach'd at *St. Paul's* doth falsely and seditiously suggest and assert, 'That the Church of *England* is in a Condition of great Peril and Adversity under her Majesty's

her majesty's Administration; and in order to arraign and blacken the said Vote, or Resolution of both Houses of Parliament, approved by her majesty aforesaid; he, in opposition thereto, doth suggest the Church to be in Danger; and as a Parrallel, mentions a Vote; that the Person of King Charles was voted to be out of Danger at the same time that his murderers were conspiring his Death; hereby wickedly and maliciously insinuating, that the members of both Houses, who pass'd the said vote, were then conspiring the Ruin of the Church.

A R T. IV.

He, the said Henry Sacheverell, in his Sermons and Books, doth falsly and maliciously suggest, ' That her majesty's Administration, both in ecclesiastical and civil Affairs, tends to the Destruction of the Constitution, and that there are men of Characters and Stations in Church and State, who are *False Brethren*, and do themselves, weaken, undermine, and betray: and do encourage, and put it into the Power of others, who are professed Enemies, to over-turn and destroy the Constitution and Establishment, and chargeth her majesty, and those in Authority under her, both in Church and State, with a general male Administration; and, as a publick Incendiary, he persuades

her majesty's Subjects to keep up a Distinction of Factions and Parties; instills groundless Jealousies, foment destructive Divisions amongst them, and excites and stirs them up to Arms and Violence; and that his said malicious and seditious Suggestions may make the stronger Impressions upon the minds of her majesty's Subjects: He the said Henry Sacheverell, doth wickedly wrest and pervert divers texts and passages of holy Scripture.

All which crimes and misdemeanours the *Commons* are ready to prove, not only by the general Scope of the said Sermons or Books, but likewise by several Clauses and Sentences, and Expressions in the said Sermons or Books contained; And that the said Henry Sacheverell by preaching the Sermons, and publishing the Books aforesaid, did abuse his holy Function, and hath most grievously offended against the Peace of her majesty, her Crown and Dignity, the Rights and Liberties of the Subject, the Laws and Statutes of this Kingdom, and the Prosperity and good Government of the same. And the said *Commons*, by protestation, saving themselves the liberty of exhibiting at any time hereafter, any other Articles or Impenchenr against the said Henry Sacheverell, and also of replying to his Answer,

or

or any of them; and of offering proofs of all the premisses, or any of them, and of any other Article or Impeachment, that shall be exhibited by them, as the Case according to the Course of parliament shall require, do pray, that the said *Henry Sacheverell* may be put to answer to all and every the premisses: And that such proceedings, Examination, Tryal, Judgment, and exemplary punishment may be thereupon had and executed, as is agreeable to law and justice.

On the 13th the Serjeant at Arms acquainted the House, that, in pursuance of their Order of the 15th of *December* last, he did, yesterday, deliver Dr. *Henry Sacheverell* to the Deputy of the Gentleman Usher of the Black Rod; and had taken a Discharge for him.

Dr. *Sacheverell* having petitioned the Lords to be bailed, their Lordships ordered a Committee to

enquire into the Validity of his Bail, allowed him Council, and a Copy of the Articles.

The next day, *January* the 14th, Dr. *Sacheverell* was ordered to give in his answer to the articles next *Wednesday*. The Lords accepted of Dr. *Lancaster*, Vice-chancellor of *Oxon*, and Dr. *Bowes*, for his Bail. And accordingly he was bailed, himself in a Recognizance of 6000 *l.* and his Sureties each in 3000 *l.*

Serjeant *Prat*, Sir *Simon Harcourt*, Mr. *Raymond*, and Mr. *Phipps*, were allowed by the Lords to be Council for Dr. *Sacheverell*; and Mr. *Huggins* to be his Solicitor.

On the 16th of the same month, Dr. *Sacheverell*, upon his Petition, had farther Time given him to put in his answer.

On the 25th of the same month, he attended the House of Lords, and deliver'd in his answer to the articles of Impeachment against him, which was read, as follows.

Dr. Henry Sacheverell's Answer to the Articles exhibited against him by the Commons, in Maintenance of their Impeachment for High Crimes and Misdemeanours.

THE said *Henry Sacheverell*, saving to himself all the Advantages of Exception to the said Articles for the Generality, Uncertainty, and Insufficiency there-

of, and of not being prejudiced by any Words, or Want of Form in this his Answer, admits, That he preached a Sermon at the Assizes held for the County of *Derby*, on the

the 15th day of *August*, 1706, at the request of *George Sacheverell Esq;* high Sheriff of the said County; and another at the cathedral of *St. Paul* at the desire of the lord mayor of *London*, *Sir Samuel Gerrard*, and before the said Lord Mayor, Aldermen, and Citizens on the 5th of *November* last.

And that he caused the said Sermons to be printed: But denies that he preached, or caus'd those Sermons to be printed or published, with any such wicked, malicious, or seditious intent, as in the Preamble is affirmed.

The Sermon preached at *Derby* having been by him printed at the request of the Gentlemen of the Grand Jury of that County, and dedicated it to them as an acknowledgment for the Honour he received by their publick approbation of it.

And the said lord mayor approved of the Sermon preached at *St. Paul's*, and was at his Request printed with a Dedication to him.

And for answer to the said Articles *Henry Sacheverell* humbly said,

Answer to the first Article.

To the first part of the first Article, the said *Henry Sacheverell*, denies that in his Sermon preached at *St. Paul's*, He does suggest and maintain, that the necessary means us'd to bring about the Revolution, were

odious and unjustifiable.

Nor does he in any part of that Sermon affirm any thing concerning the Means to bring about the Revolution, he is so far from reflecting upon his late Majesty, or the Revolution, that he there endeavours to clear both from the Aspersions of their Enemies.

As to that part of the said Article, whereby the said *Henry Sacheverell* is charg'd, with *Suggesting and maintaining that his late Majesty in his declaration, disclaimed the least Imputation of Resistance*; he does acknowledge himself to have made such Suggestion, and declares he did it in Vindication of his majesty.

The Resistance he represents the late King to have disclaim'd, being such as tended to the Conquest of this Realm, as appears by his said majesty's Declaration referred to, and *verbatim* set forth at the bottom of the Page, where his majesty's disclaiming that Imputation is mentioned.

Whether the said *Henry Sacheverell* was mistaken or not, in expressing himself as if the late King disclaimed any imputation of Resistance, when he, the said *Henry Sacheverell*, meant thereby a Design of Conquest, he humbly conceives such a Suggestion, by him designed for the honour of the late King, cannot reasonably be construed as

a Rebellion on his said Majesty, or any Crime, or Misdemeanour.

Farther, to justify what the said Henry Sacheverell said, as to his late majesty's having disclaimed Resistance, he humbly observes that the following Passages are in his late Majesty's Declaration; *We have thought fit to go over to England, and to carry over with us a Force sufficient, by the Blessing of God, to defend ourselves from the Violence of evil Counsellors.*

We think fit to declare, that this our Expedition is intended for no other design, but to have a free and lawful Parliament assembled.

As to the last Charge in the said Article, the said Henry Sacheverell denies, that he doth in his said Sermon suggest and maintain, that to impute resistance to the said revolution is to cast black and odious Colours upon his late majesty, and the said revolution; the Persons whom he describes, as reflecting on his late majesty, and the Revolution, are not those who impute Resistance to the late Revolution, of whom he affirms nothing, 'But those new Preachers and new Politicians, who preach in contradiction to the Gospel, and the Laws, that the People have the Power vested in them, the Fountain and Original of it, to cancel their Allegiance at their Pleasure, and to call their Sovereign to account for high Treason against his Subjects,

' nay, and to dethrone and murder him for a Criminal, as they did the Royal Martyr by a judiciary Sentence: who are maintainers of Antimonarchical Schemes, and of such damnable positions as are, by the laws of Church and State, condemned for Rebellion and high Treason; and who urge the Revolution in defence of such Principles: Unless then those who impute Resistance to the Revolution be the same with those new preachers and new politicians above specified, the said Henry Sacheverell affirms nothing concerning them.

The said Henry Sacheverell does not find that he has given any pretence to the first Article exhibited against him, in his Sermon preach'd at St. Paul's, but his bare asserting the illegality of resisting the supreme Power upon any pretence whatsoever; for which Assertion he humbly conceives he has the Authority of the Church of England, which, in divers passages of her Homilies, too numerous to be here specified, but by him ready to be produced, teaches this Doctrine, as founded on the Word of God, particularly in the second part of the Sermon of Obedience in the Book of Homilies, set forth in the Time of King Edward VI, where are these Words? *Here, good People, let us all mark diligently: It is not lawful for inferiours and subjects in any Case to resist and stand against*

the superior Powers, for St. Paul's words be plain, that whosoever withstandeth, shall get to themselves Damnation, for whosoever withstandeth, withstandeth the Ordinance of God.

The said Book of Homilies, is affirm'd in one of the 39 Articles to contain good and wholesome Doctrine, and is ordered to be read in Churches, by the ministers to the people.

And in farther maintenance of the said Doctrine contained in the Book of Homilies and their Authority, the said Henry Sacheverell saith, That by an Act of Parliament made in the 13th year of the Reign of Queen Elizabeth, entituled, *An Act for the Ministers of the Church to be of sound Doctrine*, 'Tis enacted, That no Person should thereafter be admitted to any Benefice with Cure, except he should first have subscribed the said Articles, in the Presence of the Ordinary, and publickly read the same in the Parish-Church of that Benefice, with Declaration of his unfeigned Assent to the same.

And that by an Act made in the 5th year of her present Majesty's Reign, entituled, *An Act for securing the Church of England, as by Law established*, it was enacted, That the said Act made in the 13th year of Queen Elizabeth, should remain and be in full Force for ever,

and be inserted in expresse Terms in any act which should be made, for ratifying the Union of the two Kingdoms of England and Scotland, and therein declared to be an essential and fundamental Part thereof. And the same was accordingly done in an Act for the Union of the two Kingdoms.

And the said Henry Sacheverell doth further insist that the aforesaid Assertion is warranted by the common law of England, and several Acts of Parliament still in force.

He doth farther aver the illegality of Resistance on any pretence whatsoever to be the Doctrine of the Church of England, and the general Opinion of our most orthodox Divines, from the Time of the Reformation to this day; it has been taught by that University, whereof he has been a Member above 20 years, and preached and printed often, with publick Approbation of each house of Parliament, and maintained by the reverend Fathers of the Church, dead and living, in Terms of greater Force than they used by the said Henry Sacheverell.

Another Motive to him to preach on the 5th of November, against the Doctrine of Resistance, was because then the Church commemorates our Deliverance from the Attempts of Rebellious Papists, the Doctrine of resisting supreme Powers, being originally

originally theirs, and therefore he conceives the Rubrick of the office appointed for that Day by the late *Q. Mary*, directs, that after the Creed, if there be no Sermon; one of the six Homilies against Rebellion shall be read.

The said *Henry Sacheverell* therefore hopes, That whilst the Church of England flourishes under her majesty; whilst *Papist* Tenets are condemned, and the laws of the kingdom continue in their Vigour, a dutiful Son of the Church shall not be condemned for asserting the doctrine of *Non-Resistance*, but if it should be declared erroneous, and he suffer for asserting it, he trusts God will enable him to shew his steady Belief of it, by a meek Resignation to whatever shall befall him on that Account.

Answer to the Second Article.

To that Part of the Second Article which charges the said *Henry Sacheverell* with suggesting and maintaining, *That the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable*; he saith, that upon the strictest Enquiry he has not been able to find that a Toleration has been granted by law; but admits, that an Act passed in the first Year of *K. William* and *Q. Mary*, entituled, *An Act for the exempting their majesties protestant Subjects dissenting from the*

church of England from the penalties of certain Laws.

Which Exemption the said *Henry Sacheverell* does not any where suggest to be unreasonable, or unwarrantable; but hoped he had prevented any such misapprehension, by the following Words in his Sermon at *St. Paul's*. *I would not here be misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence, which the Government has condescended to give them, which I am sure all those that wish well to our Church are ready to grant to Consciences truly scrupulous: Let them enjoy it in the full Limits the Law has prescribed.*

If any other Expressions in the Sermon seem to carry a dubious Sense towards Toleration, he hopes they will be interpreted agreeably to his avowed Approbation of that law.

To such part of the second article as charges the said *Henry Sacheverell* with asserting 'That he is a False Brother, with Relation to God, Religion, or the Church, who defends Toleration and Liberty of Conscience.' He saith, that having so plainly declared himself, in favour of the Exemption granted by law, he cannot be thought to reflect on the Defenders of the legal Indulgence which he himself approves, when he blames those who, upon all Occasions defend

defend *Toleration* and Liberty of Conscience: He does *indeed* suggest it to be one part of the Character of a False Brother, *upon all Occasions to defend Toleration and Liberty of Conscience; and to excuse the Separation, lay the Fault upon the true Sons of the Church, for carrying matters too high.*

Which universal Defence of Toleration, and Excuse of Separation, with the laying the Fault of it on the True Sons of the Church, are by him jointly mentioned in the same Clause, and Branch of the Character.

So that he reflects not on all who defend Toleration, much less the Exemption granted by Law to Dissenters, but on those who are for universal Toleration, and lay the Fault of Separation on the true Sons of the Church; whom he did and still does conceive to be blameable, and if Members of the Church to be false Brethren.

As to that Part of the second Article which charges the said Henry Sacheverell with asserting, *That Q. Elizabeth was deluded by Archbishop Grindal, to the Toleration of the Genevian Discipline*; he saith, he humbly conceives he has good Authority for it from the Histories of those Times; but whether he has, or not, he apprehends such an Assertion to be no Proof of his suggesting, *That*

the Exemption of Dissenters from certain Laws, granted by an Act in the first year of K. William, and Q. Mary, is unreasonable and unwarrantable.

For he thinks the Difference very great between a Toleration of the Genevian Discipline, and an Exemption of Protestant Dissenters from certain Laws: which Exemption he wisheth under the same Limitations to all her Majesty's Protestant Subjects.

As to such part of the second Article, which charges the said Henry Sacheverell, with scurrilously calling the said Archbishop Grindal, a False Son of the Church, and a perfidious Prelate; he hopes any harsh Expressions concerning that Prelate may be excus'd, because that Archbishop permitting Innovations in the Church, incurr'd the Displeasure of Q. Elizabeth, was by her order suspended, and so continued to his Death. However, the said Henry Sacheverell presumes, that no Words spoken of a Prelate that has been dead above 120 Years, will amount to an high Crime and Misdemeanour.

To that Part of the second Article, which charges the said Henry Sacheverell with maintaining, *That it is the Duty of superior Pastors to thunder out their Ecclesiastical Anathemas against Persons entituled to*

the Benefit of the said Toleration; he saith, He doth not suggest any such *the Censures of the Church.*

Duty in Pastors, as mentioned in the said Charge: but if the Expressions unapply'd to any, must be determined to any one Sort of Persons, he humbly conceives *that* Connection in his Discourse will determine them, *to those Schismatical and Factionous Persons, who take permission for power, and advance Toleration immediately into an Establishment; such schismatical, factionous Persons, he apprehends are not entitled to the Act of Exemption, design'd only for the Ease of scrupulous Consciences.*

As to the last part of the second Article, *which* charges the said Henry Sacheverell with *insolently daring and defying any Power on earth to reverse such Sentences; he saith, The Sentence he dares any power on Earth to reverse is only such as is ratify'd in Heaven, which he still affirms, and conceives would be Blasphemy in any one to deny.*

And does further believe, *some Sentences* pronounc'd by the pastors of the Church are ratify'd in Heaven; and that some persons *exempted* from punishment by the Laws of the Land, may be liable by *the* Laws of Christ; and *that* Schism from a Church imposing no sinful Terms of Communion, is a Sin, exposing *the* persons guilty of *it to*

Answer to the third Article.

As to so much of the third Article as charges the said Henry Sacheverell, *That he does falsely and maliciously suggest, the Church of England, is in great Peril and Adversity under her Majesty's Administration &c.* He denies that he has so suggested, or asserted; but does acknowledge, That in his Sermon he suggested, *That when national sins are ripened to a full Maturity, to call down Vengeance from Providence, &c. all the Members of such a Church, or Kingdom, are in danger in such deplorable Circumstances.*

Which Suggestion of Danger arising from Vice and Infidelity, he presumes it is not opposite to the Vote of the two houses, or seditious, but agreeable to what is declared in an Act of the 9th and 10th of the late King *William* the III. for the more effectual suppressing of Blasphemy and Profaneness, wherein it is affirm'd. 'That many persons 'had, of late years openly avow'd 'and published many blasphemous 'and impious Opinions, contrary to 'the doctrines and principles of the 'Christian Religion, greatly tending to the dishonour of almighty 'God, which might prove destructive to the peace and welfare of 'this Kingdom.'

And

And he conceives, that since passing that Act, those detestable crimes have greatly increased. And he apprehends the said Suggestions of dangers arising from Vice and Infidelity, to be no way more seditious *than* the like Suggestions frequently us'd before each house of parliament in the prayers of *the Church*, authorized by *her Majesty*, wherein we beseech God, *that* no sedition may disturb *this State*, nor Schism distract *this Church*; and *that* he would give us Grace seriously to lay to heart the great dangers we are in by our unhappy divisions.

As to so much of *the third Article*, whereby it is charg'd, That the said Henry Sacheverell, as a parallel mentions a Vote, *that* the person of King Charles the first was, *voted to be out of Danger, at the same Time that his Murderers were conspiring his death*; thereby wickedly and maliciously insinuating, *that the Members of both Houses, who pass'd the said Vote, were then conspiring the Ruin of the Church.*

He answers, That he draws no parallel *between those two Votes*, the latter of which he no where mentions in his Sermon.

But *had he suggested* any such parallel, which he did not, it would not have insinuated *that* the members of both Houses who passed the late Vote, were conspiring the

Ruin of the Church; but only that as some innocent persons voted the King to be out of danger, whilst others were conspiring his Murder; so when the two Houses voted the Church to be out of danger, some others might be conspiring its Ruin, and others drawing down God's Vengeance by their Vice and Infidelity.

As to the Vote of both Houses, made four years ago, only concern'd those who did insinuate the Churches being in danger under her Majesty's Administration; so he presumes it cannot affect those who suggest the Christian Faith to be in danger by those atheistical, and irreligious principles daily propagated from the press.

So that he thinks he might with Truth affirm in his Sermon at Derby, that there never were such outrageous Blasphemies against God &c. of which Assertion he is ready to bring undeniable and ample proofs.

Answer to the fourth Article.

The fourth Article contains several Charges of a very high Nature, of which the said Henry Sacheverell knows his Heart to be intirely innocent; and with comfort observes, that in the other Articles he is said to have maintain'd and asserted, as well as suggested the

the Matter charg'd upon him, but in *this fourth* he is only accus'd of suggesting and insinuating.

To *that Part of the fourth Article* whereby it is charged, *That the said Henry Sacheverell, in his said Sermons and Books, doth falsely and maliciously suggest, that her Majesty's Administration, both in ecclesiastical and civil Affairs, tends to the Destruction of the Constitution,* he answers, *That he has not in either of his Books or Sermons, made any mention of her Majesty's Administration, or of her Ministers; but is so far from suggesting, that it leads to the Destruction of the constitution, that amongst the blessings owing to our Deliverance, annually commemorated on the 5th of November, he reckons this to be one, That her majesty sits on her throne, and prays to God to preserve her, &c.*

And in his Dedication of his Sermon preach'd at St. Paul's, laid solemnly declares, as he did before in his Discourse, *That his only aim and intention was earnestly to contend for the Safety, Rights, and Establishment of her Majesty, together with those of the Church.*

To *that Part of the fourth Article*, whereby it is charged, *that the said Henry Sacheverell does suggest, That there are men of Characters and Stations in the Church, who are False Brethren;*

he saith, That the False Brethren, as described by him in his Sermon, are either those who propagate false Doctrines, or who give up the Discipline and Worship of the Church, or who are for a Neutrality in Religion, or who wish well to *the Church of England*, and are ready to sacrifice their persons and estates in her Vindication, but not show their Zeal in the Communion of the Church, as well as for it, in obeying her Precepts as well as defending her Rights.

These being the Sorts of *False Brethren* by him enumerated, if he should have suggested, that there are men of Characters and Stations in the Church, Words not restrain'd to the highest Characters and Stations, to whom that Denomination in some Sense does belong, he hopes that Suggestion would not be deemed false, malicious, or highly criminal.

Whereas in *this fourth Article* it is charg'd that the said Henry Sacheverell does suggest, *That there are men of Characters and Stations in the Church and State, who do themselves weaken, undermine, and betray, and do encourage, and put into the Power of others who are professed Enemies, to overturn and destroy the Constitution and Government.*

He denies the suggesting any such

Things of men of characters and Stations in Church or State, those not being mention'd, where he speaks of such as *weaken, undermine, betray* &c. as above in the Charge, and where they are mentioned afterwards, he speaks nothing of *weakening, undermining, betraying*, &c. or above, and therefore hopes he shall not be answerable for a suppos'd Reflection, depending upon a conjunction of Passages that are so remote from one another.

The *Weakners, Underminers, and Betrayers*, to whom he refers, will upon Examination, appear to be one of these three Sorts of Persons; either *First*, such as by their *Writings* endeavour to subvert the *Foundations of our Church or State*: Or *secondly*, such *whether Writers or others*, who are for a *Latitudinarian Heterogeneous mixture of all Persons of what Faith soever, uniting only in Protestantism, &c.* Or *Thirdly*, Those *occasional Conformists*, who have so far eluded the *Corporation, and Test Acts* by their *abominable Hypocrisy*, as to have *undetermined and endangered the Government*, by filling it (as far as they could) with its *professed Enemies*, that is with themselves.

Of these and their Encouragers he confesses he has suggested that, in his Opinion, they *weaken, undermine and betray* the Constitution; but has no where suggested, that

they are Men of Characters and Stations in the Church or State.

As to the Part of the fourth Articles that accuses the said *Henry Sacheverell* of charging her Majesty, and those in authority under her, both in Church and State, with a general *Male-Administration*; he says, he abhors the thoughts of such a charge against her Majesty; nor does he ever tax those in authority with any *male-administration*, a word he has never us'd, nor any other by which the thing may be implied.

And he is so far from making any *undutiful Reflections* on her Majesty, or her Administration, that in several writings he has publish'd and particularly one in defence of her Title to the Crown, and Justification of her entering into a War with France, he has expressed himself with the most hearty and loyal Zeal for her Majesty's Person, Government, and Administration.

To the charge, That the said *Henry Sacheverell*, as a publick *Incendiary* persuades her Majesty's Subjects to keep up a distinction of *factions and parties*; he says he is so far from it, that in his said Sermon, he invites the *Separatists* to renounce their *Schism*, and come sincerely into the Church, &c.

To the Accusation in the same Article, That the said *Henry Sacheverell* instils *groundless Jealousies* and

and foment destructive Divisions among her Majesty's Subjects; he says, That in his said Sermon, he on the contrary, rebukes and condemns those, who, by false Insinuations, imbroil the publick.

To what is farther urg'd, That the said Henry Sacheverell excites and stirs up her Majesty's Subjects to Arms and Violence, he answers, God forbid he should be guilty of so heinous a crime; who asserts the Utter Illegality of Resistance to the supreme Power; which Assertion he conceives to be the chief, or only ground of the charge exhibited against him in the first Article.

For confutation of this charge, he offers one passage out of his Sermon preached at Derby, in these words; *We may be partakers of other mens sins, if we do not, to the utmost of our Power, endeavour to obstruct, or prevent their Commission, when they manifestly endanger the good of the publick, &c.*

And he hopes, that what he has said in the Dedication of the same Sermon; *That there are not wanting some to preach the Truth, and others to support it, at the Expence of their lives and Fortunes, will not be construed, as exciting her Majesty's Subjects to sedition, and rebellion, since that Truth is by him opposed to the attempts of those who betray the principles and interests of our church and constitution.*

In the Sermon preached at St.

Paul's, he excites christians to put on the whole Armour of God, as wrestling, not only against flesh and blood, but against principalities, against powers, against the Rulers of the Darkness of this World, against spiritual wickedness in high places.

But the same St. Paul has taught him, that the arms of Resistance taken up by subjects against the higher Powers, are none of that spiritual armour; and that the principalities and powers he speaks of, being plainly distinguished from flesh and blood, cannot, he thinks, be understood of earthly Rulers.

As to the last Part of this fourth Article, charging the said Henry Sacheverell with wickedly wresting and perverting divers Texts and Passages of holy scripture for imprinting his malicious Suggestions; he says, he had no malicious Suggestions to imprint, and therefore no Occasion to wrest the Scriptures.

It is hard with the Ministers of the Gospel, if the Texts they cite shall be construed in the most criminal Sense, when they use them to excite Virtue, or to reprove men's Transgressions.

As to all other matters in the said Articles contain'd, and not here answered unto, the said Henry Sacheverell says, he is not guilty of them, or any of them, in manner and form as they are charged on him

him in and by the said Articles; and humbly submits himself to your Lordships Judgments.

HENRY SACHEVERELL.

After the reading of the answer, the Doctor being asked, whether or no he would abide by it? He answered in the Affirmative.

And then was ordered to withdraw.

Then their lordships sent his answer to the Commons.

A message from the Lords, by Mr. Rogers, and Mr. Hicocks, That they were commanded to acquaint the House of Commons, that Dr. Henry Sacheverell had put in his Answer to the Articles of Impeachment, sent from the House of Commons against him; which their Lordships communicated to the House, and desire that the said original answer may be return'd with convenient Speed.

Ordered,

That the said Answer of Dr. Henry Sacheverell, now sent from the Lords, be read tomorrow morning.

On the 26th, the Answer of Dr. Henry Sacheverell, sent from the Lords, being, according to order, read by the Commons, it was

Ordered,

That the Answer of Dr. Henry

Sacheverell, sent from the Lords yesterday, appointed to draw up Articles of Impeachment, which were exhibited by the Commons to the Lords, against Dr. Henry Sacheverell, for high crimes and misdemeanours; and that they do consider thereof, and report their Opinion, what is most proper to be done towards the farther Proceedings thereon.

And they have power to send for Persons, Papers, and Records.

And to meet at such times and places as they shall think fit.

On the 2d of February, Mr. Dolben reported from the Committee to whom the answer of Dr. Henry Sacheverell was referred to consider of the said Answer, and report their Opinion, what is most proper to be done towards the farther proceedings thereon.

That they had considered the same, and that they do find there are contained therein many things not warranted by the Course of proceedings upon Impeachments, foreign to the Charge, unbecoming a Person impeached, and plainly design'd to reflect upon the Honour of the House; and do humbly submit to the Judgment of the house their Opinion.

That, for avoiding any Imputation of Delay to the Commons in a case of so great Importance, a Replication be forthwith sent up to the Lords, maintaining the charge

charge of the Commons; and the Committee have accordingly prepared the same; which they have directed him to report to the House, and he read the same in his place, and afterwards delivered the Report in at the Table, where the same was read.

And the Replication being read a second time, it was thereupon

Resolved,

That the said Replication be the Replications of the Commons to the Answer of Dr. Henry Sacheverell.

Ordered,

That the Replication be discharged.

There were Debates in relation to the engrossing of the Replication, when the Committee were desired to shew, what there was in Dr. Sacheverell's Answer, not warranted by the Course of Proceedings upon Impeachments, foreign to the charge, unbecoming a Person impeached, and plainly design'd to reflect on the Honour of the House.

The entering into these particulars was declined; for which Reason, and because the answer appeared full and satisfactory.

There was a Division upon engrossing the Replication, in which the Yea's were 182, the No's 88.

On the third of February, The engrossed Replication of the Com-

mons to the answer of Dr. Henry Sacheverell was read, being as follows.

The Commons have considered the Answer of Henry Sacheverell, Dr. in Divinity, to the Articles of Impeachment exhibited against him by the Knights Citizens and Burgesses in Parliament assembled, and observe, that there are many things in it not warranted by the Course of Proceedings upon Impeachments; foreign to the charge of the Commons; unbecoming a Person impeached, and plainly designed to reflect upon the Honour of the House of Commons in this Proceeding, for which they might demand your Lordship's immediate Justice.

But the Commons being sensible that the Nature of the Crimes whereof he stands impeached, and the necessity of bringing him to a speedy and exemplary Punishment require, That all occasions of delay should be avoided, and not doubting that your Lordships will in due time vindicate the Honour of the Commons and the Justice of their Proceedings.

The Commons do aver their charge against the said Henry Sacheverell for high crimes and misdemeanours to be true, and that the said Henry Sacheverell is guilty in such manner as he stands impeached, and that the Commons will be ready to prove their charge against him at such convenient time as shall be appointed for that purpose.

Ordered,

Ordered, That the said Replication be sent to the Lords.

Ordered, That the Original Answer be returned to the Lords.

Ordered, That Mr. Dolben do carry the Original answer of Dr. Henry Sacheverell, and the Replication thereunto, to the Lords.

On the 4th of February, A Message was sent from the Lords by Sir Richard Holford and Mr. Gery, That they were commanded to acquaint the House of Commons, that their Lordships have appointed Tuesday next, at Seven of the Clock in the Morning, for the Tryal of Henry Sacheverell, Doctor in Divinity, at the Bar of their House; and that their Lordships will take care, that there will be Conveniences made there for the Managers of the House, at the Tryal, upon the Impeachment against him. Hereupon the Commons

Resolved, That the Managers be appointed to make good the Articles of Impeachment against Dr. Henry Sacheverell.

Ordered, That the Committee to whom it was referred to draw up the said Articles, be the said Managers.

Resolved, That this House will be present at the Tryal of the Impeachment against Dr. Henry Sacheverell, as a

Committee of the whole House.

Ordered, That a Message be sent to the Lords, to acquaint them with the said Resolution, and to desire that a convenient Accommodation may be prepar'd them. And

Ordered, That Mr. Bromley (who moved this Matter) do carry the said Message to the Lords.

The House divided on this question, Yeas 192, Nays 180.

There was a long debate upon this Message; in which the several Precedents of the Cases of the Earl of *Strafford*, and the Lord Viscount *Stafford*, were cited, whose Tryals were in the Court prepared in *Westminster-Hall*: And the Case of the *French Smugglers*, impeach'd 1698, for high Crimes and Misdemeanors, when there were Conferences, and free Conferences, between the Two Houses, about a convenient Accommodation for the Commons to be present at the Tryal; which the Lords agreed to, being convinced by the Reasons of the Commons.

It was said, that the first regular Tryal upon an Impeachment in Parliament, in the present Method, was the Tryal of the Earl of *Strafford*; and the Commons declared and insisted, *they had a Right to be present at the Tryal, as an House, or a Committee of the whole House, as they thought fit; and that they held it necessary and fit, that all the Members of the House should be present at*

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the Trial, to the end every one might satisfy his own Conscience, in the giving his Vote to demand Judgment.

In the Case of the Lord Viscount Stafford, the like Accommodation was never disputed; but in that of the Smugglers it was; and the Lords would have distinguish'd betwixt an Impeachment for High Crimes and Misdemeanours, and for High-Treason. Which the Commons answer'd, shewing, That the different Nature of those Crimes, related only to the Punishment, and did not alter and change the Nature of the Court. And by the Strength of this and other Arguments, which may be seen in the Reports of the Conferences and free Conferences entered on their Journals, they did, at last, prevail.

On the 6th of February, A Message from the Lords by Mr. Gery and Mr. Hicocks, That the Lords had commanded them to acquaint the House, that their Lordships have ordered the Lords with White Staves, humbly to move Her Majesty from their House, that She will be pleased to give Order for a Place to be prepared in *Westminster-Hall*, for their Lordships to proceed upon the Trial of *Henry Sacheverell*, Doctor in Divinity, who now stands impeach'd before their House.

The next Day, the Lords receiv'd a Message from Her Majesty, That Her Majesty would give Order for a Place to be prepared in

Westminster-Hall, for their Lordships to proceed upon the Trial of *Henry Sacheverell*, Doctor in Divinity, who now stands impeach'd before their House.

On the 8th, A Message from the Lords by Mr. Medlycot, and Mr. Fellow, That they were commanded by the Lords to acquaint the House, that Her Majesty hath given Order, that a Court be prepared in *Westminster-Hall*, for the Trial of *Dr. Henry Sacheverell*, which will take up some Time, and that, therefore, the Trial cannot be at the Time appointed, but that as soon as the Place is prepared, the House shall have Notice of the Day of Trial.

On the 10th the Commons Ordered, That the Managers appointed to make good the Articles of Impeachment against *Dr. Henry Sacheverell*, have Power to send for Persons, Papers, and Records. And

That Mr. *William Borrat* be appointed Solicitor to the said Managers, for prosecuting the said Impeachment.

Serjeant *Prat*, and Mr. *Raymond*, having declined being Council for *Dr. Henry Sacheverell*, the Lords, upon his Petition, Feb. 15th. assign'd him Mr. *Dee*, Mr. *Dod*, and Dr. *Henchman*, for his Council; as also Sir *Symon Harcourt*, and Mr. *Rhipps*, before allowed by their Lordships; and Mr. *Higgins* his Solicitor.

The

The Lords on the 28th of February, appointed the 27th of the same Month for the Trial of Dr. Sacheverell; on which Day, and the following Days, a great Concour of People attended him from his Lodgings at the Temple, to Westminster, and at his Return, with great Acclamations and Shouts of, *God bless the Queen, God preserve the Church of England, and Dr. Sacheverell*, with some Imprecations on the Whigs and Dissenters, whom they called the Doctor's Enemies; stopping also Persons in their Coaches and Chairs in the Streets, forcing them to pull off their Hats to the Doctor: After this, follow'd great Tumults and Disorders every Evening, the Mob pulling down Meeting-Houses, and threatening a certain Prelate's House, (as he inform'd the Lords) calling him the Presbyterian B---p. A Complaint was made in the House of Commons of these Riots. And, thereupon on the 2d. of March it was Resolved, That an humble address be presented to her Majesty, That she will be graciously pleased to take effectual Measures to Suppress the present Tumults, set on foot and fomented by Papists, Non-Jurors, and other Enemies to her Majesty's title and Government; and to Issue her Royal Proclamation, promising a Reward to such as shall discover and seize those Incendiaries, as have been the Occasions of the late Tumults and Disorders.

No Member, in the least justify'd these Tumults; and all professed a Readiness to concur in an Address for the suppressing them; but desired the Address might be so framed, in such general Words, that it might pass unanimously. They except to those Words, *Set on foot and fomented by Papists, Non-Jurors, and other Enemies to her Majesty's Title and Government*; because it did not appear, any Papists or Non-Jurors were concerned in them, but if they would be particular, it was moved *Republicans* might be added.

There was a Debate upon adding that Word; in which a certain Gentleman argued against it, because it was not to be imagin'd, they would be for pulling down their own Meeting-Houses.

The House divided upon the Word *Republicans*, Yeas 114, No's 279.

The same Day, Mr. Secretary Boyle reported to the House, That he had attended her Majesty with their Address. To which her Majesty had been pleased to give this very gracious Answer.

HER majesty is extremely sensible of the great Care and Concern of the House of Commons, for the publick Peace, upon this Occasion; and as her Majesty has a just Resentment at these

if these tumultuous and violent proceedings; so she will take immediate Care for suppressing them, and will lose no time in endeavouring to find out the Authors and Abettors, in order to bring them to punishment: And to that purpose, will cause a Proclamation to be published, according to the desire of this House.

Resolved, Nemine Contradicente. That the humble thanks of this House be returned to her majesty, for her most gracious Answer to their said address.

Ordered, Nemine Contradicente. That a Committee be appointed to draw up an address upon the said Resolution.

And a Committee was appointed accordingly.

And they were ordered immediately to withdraw into the Speaker's Chamber, to draw up the said address.

Sir Thomas Parker reported the address, which he drew up himself and was as follows.

The humble Address of the House of Commons to the QUEEN.

Most Gracious Sovereign,
WE your majesty's most dutiful and loyal Subjects, the Commons of Great-Britain, in Parlia-

ment assembled, but of a deep Sense of the repeated instances of your Majesty's unparalleled Goodness, be leave to return our most hearty thanks for your most Gracious Answer to our humble address, and for your effectual care in suppressing those rebellious tumults, which were set on foot, and fomented by Papists, Non-jurors, and other Enemies to your majesty's title and Government, in defiance of the just prosecution of the Commons against Dr. Henry Sacheverell.

And we most humbly beseech your majesty to believe, that at this Prosecution proceeded only from the indispensable Obligation which we, your faithful Commons looked upon ourselves to lie under, not to sit still and patiently see the justice of the late happy revolution, and the Glory of our late royal deliverer reflected upon, your majesty's undoubted Title struck at, your administration by which so many Blessings are derived upon us, endeavoured to be rendered odious to the people, and represented as destructive to the Church and Constitution, the present Establishment and protestant Succession undermined, the Resolutions of Parliament treated with contempt, the Governors of the Church, and your majesty as supreme, aspersed and reproached, the Toleration exposed as wicked, and Sedition infinitely invading the Pulpit.

So the Maintenance of your Majesty's Right, the Safety of your Person, the Quiet of your Government, the Continuance of our Happiness, under your excellent Administrations, the Succession in the Protestant Line, the Support and Honour of the Church of England as establish'd by Law, with that Toleration which is by Act of Parliament allowed to Protestant Dissenters; shall be our constant Care and Concern: And we will, upon all Occasions, venture all that is dear to us, in Defence of such inestimable Blessings.

Some Exceptions were taken to the Address; and it was moved, That it might be Recommitted, because the Committee had exceeded their Commission, which was only to return Her Majesty Thanks for Her most gracious Answer. And in the last Paragraph, there was a Promise, to venture all that was dear to them, in Defence of the *Toleration*, as well as of the Church of *England*. This was said to be putting them upon an equal Foot, which as many Gentlemen could not think proper, and never intended; for tho' they should be always willing to maintain the Toleration, yet they would not venture so much for that, as for the Church of *England*. But all these Exceptions were over-rul'd.

The Lords having on the 18th of February appointed the 27th of the

same Month for the Tryal of Dr. Henry Sacheverell their Lordships proceeded from their own House to the Court erected in Westminster-Hall, in the following Order.

First came the Lord Chancellor's Gentlemen, two and two. And next, The Clerks of the House of Lords, and two Clerks of the Crown in the Courts of Chancery and Queen's Bench. The Masters in Chancery, two and two. The Judges. The Peers eldest Sons, and Peers Minors, two and two. The Yeoman Usher of the House. The Gentleman Usher of the Black-Rod. The Peers, two and two, beginning with the youngest Barons. The Sergeant at Arms carrying his Mace. One of the Heralds. The Lord Chancellor alone.

Then, the Lords being seated in the Place prepar'd for them in *Westminster-Hall*; the Commons in a Committee of the whole House in the Seats provided for them, and the Managers for that House being at the Bar, the Serjeant at Arms made the following Proclamation.

O yes! Our Sovereign Lady the Queen, doth strictly charge and command all manner of Persons to keep Silence, upon Pain of being Imprisoned; and then made Proclamation for Henry Sacheverell, Doctor in Divinity, to come forth.

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Then

Then the Doctor came to the Bar and knelt; his Council being Sir Simon Harcourt, Mr. Dodd, Mr. Phipps, Mr. Dee, and Doctor Henchman standing by him; and he rising by Order of the Lord Chancellor, the Serjeant at Arms made Proclamation again to this Effect, viz.

O yes! That Whereas a Charge of High Crimes and Misdemeanors had been brought by the House of Commons, in the Name of themselves and all the Commons of Great Britain, against Henry Sacheverell, Doctor in Divinity, all Persons concern'd were to take Notice, That he then stood upon his Tryal, and they might come forth in Order to make good the said Charge.

Then the Lord Chancellor told the Doctor, that it was Needless to give him any Directions concerning his Behaviour during the Time of his Tryal, or the ordering his Defence, because the Lords had not only allow'd, but assign'd him the Council he desired, both of the Civil, and Common-Law, who wou'd be well able to direct, and advise him, not only in the Substance, but Form of his Defence.

The Lords had also made an Order for summoning all such Witnesses as he had desir'd to appear for him.

And that he might be the better able to provide for his Defence he had his Liberty granted on the first Application for it, and giving Security for his Appearance; and that he also had all the Time he thought fit to desire, in Order to prepare for his Defence. So that he ought to remember, that their Lordships have us'd him with all the Indulgence he could reasonably expect.

Then the Clerk was Directed by the Lord Chancellor to read the Articles of Impeachment, the Doctor's Answer, and the House of Commons Replication, as before recited, which was accordingly done.

And then Mr. Attorney General spoke first, to this effect, to their Lordships.

That he was Commanded by the House of Commons, in behalf of all the Commons in Great Britain, to make good the Impeachment against the Prisoner at the Bar, Doctor Henry Sacheverell.

That the Misdemeanours he stood accused of were specify'd in the Articles which had just then been read to their Lordships, and the Facts there charged were Laid to have been done with a Wicked, Malicious, Seditious Intention, to Undermine and

and Subvert Her Majesty's Govern-
ment, and the Protestant Succession
as by Law established, to Defame
her Majesty's Administration, and
Asperse the Memory of his late Ma-
jesty King William.

That the Proofs in this Case
would arise from Evidence which
could not be liable to the Imputa-
tion of being over-aw'd by the
weight of the Prosecutors, or cor-
rupted, or perverted; for his
Charge should be from his own
Mouth, and his own Words and
Sermons, they should convict him.

He could with Truth say, that
it was no Trouble to the Com-
mons of Great Britain, to have
that occasion of coming in that
Manner before their Lordships:
Could they have satisfied them-
selves that her Majesty's Honour,
the Safety of her People, and the
Protestant Succession as by Law
established, were not highly con-
cerned to bring that Man to speedy
Justice, they could very willingly
have spared their Lordships that
Trouble.

But when they considered of
what Import it was to the Nation,
how much it concerned the very
Being of our Constitution, to Dis-
countenance and put an End to
such sort of Seditious Proceed-
ings as the Doctor and some others
of his Brethren had been lately

practising in divers Parts of the
Kingdom, they could not think o-
therwise than that it was a Matter
fit for the grand Inquest of the
Nation to take Notice of; and
finding it to be a Cause of so great
Moment to the Publick, they judg-
ed it fit to be taken under their
own Management, and not trust
it to the Decision of an Inferior
Tribunal.

And, that it was agreed that
their Lordships were the only pro-
per Judges, when the whole Com-
mons of Great Britain found it
necessary to be the Prosecutors;
nor could Dr. Sacheverell have any
just Cause to complain of that
Manner of Proceeding, when it
gave him so publick an Opportu-
nity of defending himself (if his In-
nocence could clear him,) and
what could he desire more, when
he lay under so heavy an Accusa-
tion, than to have their Lordships
for his Judges, who had already
shewn their great Indulgence to
him, by allowing him (as a Noble
Loed from the Woolpack just then
observed) all the Advantages a
Man under his Circumstances could
ask, or desire to have.

That the Prosecution took its rise
from a Complaint that had been
made in the House of Commons the
13th of December last, of 2 Books
which were lately printed and pub-
lished.

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lished under the Name of Dr. Henry Sacheverell.

The Books being delivered in, several Paragraphs read, and by divers passages, too many for him then to enumerate to their lordships, it did plainly appear that both Books did contain many scandalous and seditious matters, highly reflecting upon the Queen as well as her Administration.

Whereupon the Dr. had been ordered to attend; which he did accordingly the next Day, and at the Bar of the House of Commons owned and avowed both Books to be his, That they were Sermons that he himself had preached, and that he had caused them to be printed and published.

After such a confession their lordships might imagine her majesty's dutiful Commons did express their just Resentment of the Great Injuries that were done to her majesty, and all that were in Authority under her, and immediately ordered that Impeachment.

That their lordships would perceive by perusal of their Sermons and Epistles Dedicatory, that the Design and Drift of the same was to inflame the People with strange Notions, and terrible Apprehensions of the danger they were in by a General male administration of the publick Affairs both in Church and State.

That both those Sermons were Preached upon publick Occasions, and

bad, since the printing thereof been handed about with more than common Application.

That one of those Books was entitled The Communication of Sin, being a Sermon preached at the Assizes at Derby, in August last; and because the doctor thought he had not said enough against the Queen, and her Government in the Sermon, he affixed a Dedication to it, wherein he affirm'd That the Principles of our Church and Constitution were shamefully betrayed and run down; that both were persecuted, on the one Side by rude and presumptuous Insults, and base undermining treachery on the other, and that this Persecution was carried on by associated Malignants.

The other Sermon had been preached at St. Paul's, London, on the fifth of November, a Day set apart for the general Thanksgiving for two very great Deliverances vouchsafed to this Nation, by the Discovery of the Gunpowder Plot, and the Arrival of his late Majesty King William to redeem us from popish Tyranny and arbitrary Power.

That when their lordships came to hear that Sermon read, he was confident it must appear very strange to find that when there were two such memorable Occasions for the Doctor to have set forth his Eloquence in a Thanksgiving Sermon, he should, in great measure have passed by both the Businesses

Businesses of the Day, and entertained his Audience with a long Harangue of the deplorable Condition the Church was in, not so much from Papists, the avowed Enemies of the Church, as from her pretended Friends, as he called them, the False Sons of the Church, who were crept into her Bowels, and shewed themselves to be perfidious Brethren, by defending Toleration and Liberty of Conscience, and favouring the Dissenters.

And to shew his little Liking of the great Work which had been begun on that Day by the Arrival of his late Majesty, the chief turn of his Discourse was to cry up Non-Resistance and Passive-Obedience.

And to make it most evident, that what he said of Non-Resistance had been to cast black and odious Colours upon the Revolution, he laid down a general Position, *That it is not lawful, upon any Pretence whatsoever, to make Resistance on the Supreme Power*; which Supreme Power, by other Passages, he explained to be the Regal Power.

Then as to his Discourse concerning Passive-Obedience and Non-Resistance, in such Latitude as was there mentioned, what could it tend to but to cast Reflections upon that Resistance which had been the Means to bring about the Revolution.

For was there any Occasion at that time to be so earnest to cry down Resistance, and preach up Passive-Obedience?

Could any one pretend to say there were any Symptoms of Discontent throughout the Nation, in any Parts thereof?

No: To their Comfort, no Reign, no Age, no History could give a better Account of the good Dispositions of the People to their Sovereign. Therefore since the Preaching those Doctrines had been needless, it favoured of some wicked Design to be talking so unseasonably of that Subject.

If what the Doctor very frequently asserted in that Sermon were true, *That all were False Sons of the Church who assisted in bringing about the Revolution, or that joined in the Opposition that have been made to the Encroachments begun by evil Ministers in the Reign of King James the Second, against their Religion and Liberties*, the Doctor should a little consider how far his Character of *False Brother* might be carried.

That every Body who lived in those Days knew, that the Body of the Clergy of the Church of *England* had made a notable Stand against the Encroachments which
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were then making, and appeared as Active as any of the Laity.

And had it not been by their Writings, Preaching, and Example, that the Nobility and Gentry were Animated to maintain and defend their Rights, Religion and Liberties? And as an undoubted Monument that such had been the Sense of the whole Kingdom at the Time of the Revolution, it was entred into the Journal of the House of Commons on the first of *February* 1688.

That the Unanimous Thanks of the House was given, Nemine Contradicente, to the Clergy of the Church of England, for the great Services they had done their Religion and Country, by the Opposition they had made to the Execution of the Ecclesiastical Commission, and their refusing to read the King's Declaration for a Toleration, which was then Founded upon the dispensing Power.

And how had the Archbishops received the Message sent them upon that Occasion, for them to communicate their Resolution to the Clergy in their respective Diocesses?

The Journals told them, that Mr. *Levison Gore* had the next Day acquainted the House of the Commons with his attending the two Archbishops, according to Order, with the Thanks of the House; and that

Archbishop *Sancroft*, and the then Archbishop of *York*, returned their Thanks to the Commons for themselves, and in behalf of all their Clergy, for their favourable Vote.

That their Lordships and the Commons were then happy enough to be thought favourable to the Clergy of the Church of *England*; and yet those very Commons were the Men who passed the Toleration Act for exempting Protestant Dissenters from the Penalties of certain Laws, as one of the most necessary Acts for the Good of the Kingdom.

And had they not been encouraged to go about that Charitable Work, by the Petition of the seven Bishops presented to King *James*, wherein they acquainted him, *That it was not for Want of a due Tenderness to Dissenters which made them refuse reading his Declaration for Toleration to Dissenters, in relation to whom they were willing to come to such a Temper as should be thought fit, when the same came to be considered in Parliament.*

But when the same had been considered in Parliament, and the Toleration settled and established by the Legislative Authority of the Kingdom, and ratified and approved of in this Reign, by her Majesty and both Houses of Parliament; Doctor *Sacheverell* belike disapproved

prov'd of it, and was pleas'd to tell them in a most extraordinary manner, *That a Man must be very weak, or something worse, that thought or pretended the Dissenters were to be gain'd by any other Grants and Indulgences, than giving up the whole Constitution; and he that receded the least Tittle from it, to satisfy and ingratiate with those Clamorous, Insatiable, Church-devouring Malignants, knew not what Spirit they were of.*

After such an ample Declaration of his Opinion, what fatal Consequences would attend the granting Indulgences to Dissenters? Could the Doctor imagine that his saying, in his Answer to the Articles, *That he intended not to cast the least invidious Reflection upon that Indulgence the Government had condescended to give them,* would take off the hard Censures he had pass'd upon Dissenters?

If an Arch-bishop, who had been Dead almost a hundred and twenty Years could not be permitted to rest quiet in his Grave, without having foul aspersions cast upon his memory, *as being a false Son, and a perfidious Prelate of the Church,* for interceeding (as Doctor Sacheverell said) with Queen Elizabeth for the Dissenters in those Days: What could the now Arch-bishops and Bishops of the Church expect from Dr. Henry Sacheverell, if they

did not thunder out their Ecclesiastical Anathem's against Dissenters, as often as the Doctor should think there was occasion for them?

He perceiv'd the Doctor hop'd to salve all he had said against Toleration to Dissenters, by a nice Distinction he had hit upon between an Indulgence and a Toleration.

Therefore he told your Lordships, *that, upon the most diligent Inquiry, he had not been able to inform himself that a Toleration had been granted by Law.*

How could the Doctor pretend to say, that the Word Toleration had never been made use of to express the Religious Liberty and Indulgence granted and allow'd to Dissenters? If there wanted Authorities to justify the Use of the Word, after the Doctor had made use of it, in the same sense over and over, in many Passages in his Sermon, as would be taken Notice of by the Gentlemen that were to make good the second Article, the Doctor might be put in mind, that her Majesty in her speech from the Throne, on the 17th of December, 1705, had been pleas'd to declare, *That she would inviolably Maintain the Toleration.*

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That as the Time was most Unseasonable for the Preaching such Doctrines, so the Place had been very

very Improper for a Lecture of Politics; For their Lordships did perceive that latter Sermon, preach'd on the fifth of *November* last, had been preach'd in the Great Metropolis of the Kingdom, before the Lord-mayor, Aldermen, and Citizens of *London*; from whose steady Loyalty to her Majesty, and firm Affections to the Revolution, such vast Sums had been contributed for carrying on the long War against *France*, which had prov'd so Fatal to the *French* King, and other Enemies of the Kingdom.

And what more likely to give a fatal Wound to the Publick Credit at that Time, than such Doctrine which tended to the Overthrow of all the Acts of Parliament made in Support of the Constitution.

And how strange an Attempt had it been for the Doctor to Preach against the Revolution and the Government, before those Citizens who ow'd the Restoration of their Charters, and all their Privileges and Immunities, to it.

But, that to do Justice to the Doctor, he in his answer deny'd he hath said any thing of the Means which brought about the Revolution.

And if their Lordships could believe him, he said, *He had endeavour'd to Vindicate the Revolution*

from the black and odious Colours the Enemies of the Revolution would throw both upon that and his late Majesty.

To what End and Purpose then were those Doctrines preach'd with so much Vehemence at that Time, unless it were to reflect backwards upon what had been done at the Time of the Revolution?

There was certainly no occasion to preach Non-resistance to her Majesty's Loyal and dutiful Subjects, who had never shewn the least Inclination to give Disturbances to the present Government.

He ask'd, Whether there had ever been so Universal an Agreement in all ranks and degrees in the Nation? Whether every one did not almost strive to shew their Zeal and Affection for her Majesty and her Government? If there were any less quiet than their Neighbours, they would be found amongst the Friends of Doctor Sacheverell, who were no professed Friends to the Revolution. Nothing being more certain, than that all who were not satisfy'd with what had been done at the time of the Revolution, must be Enemies to the present Establishment; and 'twas from that Source all those Declarations against Men of Character and Station both in Church and State did proceed.

But

But he would have the Doctor consider, that there were Laws to punish Spreaders of false News and horrible Stories of the Great Men and Great Officers of the Kingdom; and 'twas to put a Stop to those malicious Practices then on Foot, that he was then brought to the Bar as a Delinquent.

That when they had read their several Proofs, which would justify every Particular charg'd on the Doctor in the Articles of Impeachment, the Commons would not doubt of their Lordships Judgment against that Defendant.

After Mr. Attorney-General, Mr. Lechmere told their Lordships,

That he was commanded to assist in stating to them the Grounds of the Charge of the Commons, and the Nature and Tendency of the Crimes then before them in Judgment.

That an Impeachment of the Commons of Great Britain had been open'd to them; The Subjects of both Nations had an equal Concern in that which was the Ground of it; They were happily united in this Prosecution, and the common Interest of their Lordships, and all of them was inseparable in its Event.

That no more needed to be said to their Lordships of the Greatness of that Cause, not for the Person of the Offender, but for the high Importance of those Matters which

he had presum'd to draw in Question.

The Commons, on their part, had been exceeding careful, in every Step of that Proceeding, that it should receive a Deliberation suitable to the Weight of the Cause, and the Dignity of the Commons; and they observed it to their Lordships, with great Satisfaction, That by their ready Concurrence no Difficulties had arisen to delay or discourage their Impeachment: They ascrib'd it to a Desire in their Lordships, equally with themselves, to cultivate a good Correspondence on so important an Occasion, and to that due Regard, their Lordships shew'd to the Cause of Impeachment, the ancient Right, and great Security of the Commons.

In framing their Charge, the Commons had thought fit, by a Preamble to their Articles, to lay before them the Grounds of their Accusation, in Terms the most cogent and expressive; to the end, their Lordships might have early and perfect Notice of the Points, on which the Commons intended to proceed; That their Lordships, and the whole Kingdom, might know the unanimous and hearty Zeal of the Commons to assert the Justice of the late happy Revolution, and the Foundations of Her Majesty's Government and Administration: and that the Judgment of the Commons, on that weighty Occasion, might

might stand *fully on the Records of Parliament*, and be transmitted to all *Posterity*.

Their Lordships would find, That the Prisoner, in his Sermon preach'd at *St. Paul's*, had asserted a Doctrine in direct Defiance and Contradiction of that Resistance us'd to bring about the Revolution, when he affirm'd the utter Illegality of Resistance, on any Pretence whatsoever, to be a Fundamental of the Constitution; and, as their Lordships would hear it fully made out from the Proofs by those Gentlemen to whom that Part was assign'd, he had also plainly declar'd himself, that even that resistance us'd at the Time of the late happy Revolution was not to be excepted out of his fundamental Rule.

That when a Preacher of the Gospel, and a Minister of the Church of *England*, even under the then happy Establishment, should thus publicly condemn the Foundations on which it stood, in Defiance of Her Majesty and the great Council of the Nation then sitting in Parliament, it becomes an indispensable Duty upon them, who appear'd in the Name and on the Behalf of all the Commons of *Great Britain*, not only to demand their Lordships Justice on such a Criminal, but clearly and openly to assert their Foundations.

He crav'd Leave to remind their Lordships of the Condition of things in both Kingdoms, immediately

preceeding the late Revolution; The Case he said was stated and recorded, between the late King *James* and the Subjects of both Kingdoms, in the several Declarations of the Rights of both Nations made by them at that Time;

That he would forbear to aggravate the Miscarriages of that unhappy Prince, further than by saying, That it was declar'd in the Preamble to the Bill pass'd in *England*, *That by the Assistance of Evil Counsellors, Judges and Ministers, employed by him, he did endeavour to Subvert and extirpate the Protestant Religion, the Laws and Liberties of the Kingdom, in the several Instances there enumerated*: And in that pass'd in the Kingdom of *Scotland* it stood declared, *That, by the Advice of Evil Counsellors, he did invade the Fundamental Constitution of that Kingdom, and alter'd it from a Legal limited Monarchy, to an Arbitrary Despotick Power*.

Their Lordships, on that Occasion, might again consider the ancient Legal Constitution of the Government of this Kingdom, from which it would evidently appear to them, that the Subjects of this Realm had not only a Power and Right in themselves to make that Resistance, but lay under an indispensable Obligation to do it.

The Nature of their Constitution being that of a limited Monarchy, wherein the Supreme Power was communicated and divided between
Queen,

Queen, Lords and Commons, tho' the Executive Power and Administration were wholly in the Crown. The Terms of such a Constitution did not only suppose, but express an Original Contract, between the Crown and the People, by which that Supreme Power had been [by mutual Consent, and not by Accident] limited and lodg'd in more Hands than one; and the uniform Preservation of such a Constitution for so many Ages, without any fundamental Change, demonstrate the Continuance of the same Contract:

That the Consequences of such a Frame of Government were obvious; that the Laws were the Rule to both, the common Measure of the Power of the Crown and of the Obedience of the Subject; and if the Executive Part endeavour'd the Subversion, and total Destruction of the Government, the Original Contract was thereby broke, and the Right of Allegiance ceased; that Part of the Government, thus fundamentally injur'd, having a Right to Save or Recover that Constitution, in which it had an Original Interest.

And, the Nature of such an Original Contract of Government prov'd, that there was not only a Power in the People, who have inherited that Freedom, to Assert their own Title to it, but they were bound in Duty to transmit the

same Constitution to their Posterity.

That it was mispending their Lordships Time to Illustrate that particular, which was an Eternal Truth, essential to the Government itself, and not to be defaced, or destroy'd, by any Force or Device. For it appear'd from every Branch of the Government, That the Rights of the Crown of *England* were Legal Rights, and its Power stated and bounded by the Laws of the Kingdom. That the Executive Power and Administration itself was under the strictest Guard, for the Security of the People, And that the Subjects had an Inheritance in their ancient fundamental Constitutions, and the Laws of the Land, That being the Tenor of all Antiquity, Histories and Records affording innumerable Proofs of it; and when their Lordships look'd back on the History of *Magna Charta* alone, they could not doubt of the Sense of their Ancestors, that they were Masters of Franchises that were truly their own, and which no Earthly Power had Right to extort from them; Many other Valuable Relicts, of incontestable Authority being lost then by their Popish Ancestors, as Proofs of the Freedom of their Constitution, of the constant Claims they made, both in and out of Parliament, to their Inheritance in their Laws, against the Incroachment of Arbitrary

trary Power; and when the last Extremity had call'd them to it, they had never fail'd to vindicate them by the Arms of Resistance.

That such had been the Genius of a People, whose Government was built on that noble Foundation, not to be bound by Laws to which they did not Consent; that, muffled up in Darkness and Superstition, as their Ancestors were, yet that Nation seem'd engraven on their Minds, and the Impressions so strong, that nothing could impair them.

That, upon the Reformation of Religion, when all Foreign Power had been abolished, and the Supremacy of the Crown restor'd to its height by many Acts of Parliament their Lordships would always find Declarations at the same time made, of the Rights of the People, particularly that of the 25th of Henry VIII. where 'twas said, *That the Realm of England is free from any Man's Laws, but such as have been devised, made and ordain'd within the same, for the Wealth of it, or such other as the People of the Realm have taken at their free Will and Consent, and by long Use have bound themselves to, as the Ancient Establish'd Laws of the Realm, and none otherwise.*

He doubted not their Lordships would consider those Laws, made at that time, to be fresh and remarkable Declarations, and Ratifications, of the Original Contract.

That Excellent Constitution of the Government, having through many Struggles been preserv'd from that Time till then, and the true Spirit of the *English* Nation still kept alive, down to the Times of the late happy Revolution; At which time the Danger being Imminent, not only to the Laws and Liberties of the Kingdom, but to the Protestant Religion, *The Ancient Virtue of the English Nation had exerted itself, and shone Out in its full Lustre, in that Glorious Work.*

That the many Laws pass'd since, more particularly those for the Settlement of the Crown and Succession, were so many repeated Declarations of their late Majesty's, and Her Majesty then on the Throne, together with the Representative Body of the Nation, in Confirmation of their Ancient Constitution; Nay, they had higher Testimonies to appeal to, the many glorious Successes with which God Almighty had blessed the Arms of Her most Sacred Majesty, employ'd in Defence of the Arms of Resistance, were so many Testimonies from Heaven in their Vindication.

Their Lordships might take Notice on what Grounds the Doctor continu'd to assert the same Position in his Answer. But was it not most Evident, that the General Exhortations to be met with in the Homilies of the Church of *England*, and such like Declarations in the Statutes

Statutes of the Kingdom, were meant only as Rules of the Civil Obedience of the Subject to the Legal Administration of the Supreme Power in ordinary Cases? And it was equally absurd to construe any Words in a positive Law to authorize the Destruction of the whole; as to expect that King, Lords and Commons should, in express Terms of Law, declare such an ultimate Resort as the Right of Resistance, at a time, when the Case suppos'd, that the Force of all Law was ceas'd.

But the Commons thought he had, by his Answer, highly aggravated his Crime, by charging so pernicious a Tenet, as that of absolute unlimited Non-Resistance, to be a Fundamental Part of the Government, and by asserting that as the Doctrine of the Church of *England*.

That it was a great Reproach to the Excellency of the Constitution, to impute such Principles to it as inevitably infer'd its Destruction; and an equal Dishonour to the Crown of the Realm, the great Glory of which was to be set over and govern a Nation of Free-born Subjects, the meanest of which had an Inheritance in the Government and the Laws equal with the greatest.

They likewise esteem'd it an high Reflection on Religion itself, and the Church of *England*, to charge

its purest Doctrines with such Constructions, by which all Irreligion and Oppression would be Authorized.

That, the Commons must for ever consider themselves under the strongest Obligations of Gratitude to their great Deliverer, to assert the Honour and Justice of that Resistance, by which he had rescu'd an Oppress'd People from inevitable Destruction; and thought they should not deserve the Name of Subjects of *Great Britain*, or the least Blessing of so good a Government, if at that time before their Lordships, and for ever after, they did not assert, in the most strenuous manner, the Honour and Justice of that Resistance which had brought about the late happy Revolution. And upon that Foundation it was, that they doubted not but their Lordships would in a Parliamentary way fasten a Brand of indelible Infamy on that enslaving Tenet by which it hath been condemn'd.

He declar'd, He would take up less of their Lordships Time on the following Articles.

That, The Commons esteem'd the Toleration of Protestant Dissenters to be one of the earliest and happiest Effects of the late Revolution, wisely calculated for the Support and strengthening the Protestant Interest, the great End of the Revolution itself.

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They remember'd, with the highest Gratitude to Her Majesty, Her Royal Resolution declar'd from the Throne, to preserve it inviolably; and they observ'd their Lordships, that it appear'd to them, from a Report on their own Journals of a Conference between both Houses, on the Bill against *Occasional Conformity* (not meant to enlarge the Liberties of Protestant Dissenters) That the Persecution of Protestants was, in the Preamble to that Bill, declar'd *to be the contrary to the Christian Religion, and the Doctrine of the Church of England, and that the Act of Toleration ought to be kept inviolably*; and the Commons found no Exception then taken by their Lordships to that Declaration, but on the contrary, many Expressions from both Houses, highly extolling the Policy and good Effects of that Law.

Their Lordships would perceive, from the Evidence of the Commons, many plain Declarations of the Prisoner in Maintenance of that Article; but offer'd it to their Lordships, as a further Evidence, that the Doctor most shamefully arraign'd the Memory of a Prelate, Eminent for his Zeal to the Protestant Religion, for his compassionate Intercessions with Queen *Elizabeth*, in favour of Dissenting Protestants; a Reflection plainly meant by him to cast an Odium on the Act of Toleration, and on the then

Fathers of the Church, so Eminent for their Charity and Moderation; and from the Applauses he gave to the Severities shown by that Queen, he Illustrated the Calumny thrown by him on Her present Majesty, and Her Approbation of the Toleration: Their Lordships might please duly to consider the Malignity of Expressions meant to condemn so good a Law, then standing in its full Force, and to encourage the Unchristian Principles of Persecution.

That the latter Part of the second Article was founded on the Legal Supremacy of the Government in Matters Ecclesiastical, by which all Ecclesiastical Jurisdiction, by the Ancient undoubted Laws of the Kingdom, had been made Subject to the civil Power.

The Prisoner, in Terms very unbecoming, having struck at that Essential Part of the Constitution, in those Words, wherein, after having perswaded the Superior Pastors of the Church to thunder out their Anathemas against Protestant Dissenters, *He defy'd any Earthly Power to reverse such Sentences.*

The restoring the Legal Supremacy of the Crown, he told their Lordships was the Effect of the Reformation of Religion in this Kingdom; and that the Abuse of that Power, to the apparent Danger and Destruction of the Church of *England*, in the Instance of the late illegal Ecclesiastical Commission, remain'd,

remain'd condemn'd by the Bill of Rights.

But the Commons crav'd Leave to observe, that the Independant Power, or Jurisdiction of the Church, or of Ecclesiastical Judges, being the Doctrine advanc'd by the Prisoner, was not less dangerous; as it stood in utter Defiance and Contradiction of *Magna Charta*, and the Laws of the Land; was destructive of the Legal Supremacy of the Crown and Legislature, a Violation of the Oath of Supremacy, contrary to the Principles of the Reformation, and the Doctrine and Interest of the Church of *England*, of which he was a Member.

That the Commons were strengthen'd in their Concern for the Legal Supremacy, when they call'd to mind Her Majesty's Letter to his Grace of *Cauterbury* of the twenty fifth of *February* 1705, for Proroguing the Convocation, wherein Her Majesty had been pleas'd to declare Her constant Care and Endeavours to preserve the Constitution of the Church of *England* as by the Law Establish'd, and Her Resolution to preserve the Supremacy, and as being a Fundamental Part of it: And upon those Considerations they had an absolute Assurance of an equal Regard on their Lordships Part, to a Matter of so great Importance.

Their Lordships might observe the third Article to be included

within the general charge of the fourth: But, the Commons being sensible, with how distinguish'd a Malice the Substance of that charge was levell'd by the Prisoner, against the Honour of Her Majesty and the two Houses of Parliament, they had thought it their Duty to Her Majesty to lay that, before their lordships in a distinct Article, for their particular Consideration and Judgment.

And when their lordships reflected on the late heavy Censure, which the Queen and both Houses so justly laid on the Authors of the like groundless Slander, they would think that the Prisoner, had reviv'd and avow'd the same, from an Inveterate pride, to signalize his Enmity to Her Majesty and both Houses, and in the most publick Manner to insult the Honour of the Queen and Legislature at that same Time that he was endeavouring to subvert their Foundation.

That the Commons would ever shew the utmost Jealousy for the Safety and Honour of Her Majesty's Person, and must always esteem it their peculiar concern to vindicate every Attempt that should be made against it; and assur'd their Lordships they could not be forgetful of that signal Regard Her Sacred Majesty had shew'd to the Church of *England*, at the Time of the late Revolution, Of that constant Uniform Zeal She had express'd for it from

he did not come to preach peace from that Day forward, That perpetual Monument of Her Royal Bounty to the Clergy of the Church of *England*, to the Diminution of Her own Revenue, nor of Her Royal care for the perpetual Establishment of its Discipline and Worship, in making it a Fundamental and Essential Part of the Union of the two Kingdoms: These Things they esteem'd an Absolute Security, that Her Royal Protection and Affection for the Church of *England* could never fail.

They doubted not of their lordships particular Notice of the parallel mention'd in that Article, by which their lordships would collect the Inveteracy of the Design, from the Odiousness of the Comparison.

That in the fourth Article, the Commons had laid before their lordships many charges, which tho' of different considerations, yet all conduc'd to the main charge of the Commons: As tending to undermine Her Majesty's Government, and to raise Sedition and Rebellion.

And their lordships would find, from many and pregnant proofs supporting the said Article, That Her Majesty's Administration, whereby She had justly gain'd the Affections of all Her true subjects, was represented by the prisoner as deserving the utmost Odium and contempt of her people;

That the civil and Religious

Rights of her subjects, which her Majesty had protected with the Tenderness of a most indulgent Mother, were betray'd by those to whom She had committed the care of them, and that they were in a condition more calamitous, than at that time, when Superstition and Tyranny were ready to have swallowed them up.

Their lordships would find him labouring to persuade the people, that the condition of peace and Prosperity, which the good Government of her Majesty had secured to her Kingdom, was a State of utter Distraction and Confusion, wherein all Religion and Disorder was not only unpunish'd but encouraged:

Nor would their lordships wonder to find a Person, who had thus set himself to weaken the Title of Her Majesty to the Throne, representing Her Administration like that of one who had no Title at all.

And from that ruinous and almost irretrievable posture of Affairs, their Lordships would find him considering himself as a peculiar Messenger, appointed and call'd out to open the Eyes of the deluded People, and to undeceive a Nation thus abused: Which he had done, not in the Words of Meekness and Peace, not by exhorting them to the Exercise of the submissive Doctrines of passive Obedience and Non-Resistance, but assuring them
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but to sound a Trumpet; and endeavouring to excite such true Sons of the Church as were of his Persuasion, to recover, defend, and maintain, with their Lives and Fortunes, their invaded Rights, and such Doctrines as he had thought fit to deliver to them.

Mr. Leckmere added, He took Liberty to acquaint their Lordships, that the Commons conceiv'd, that the Laws and Statutes of the Realm, and the Order and Peace of Government, necessarily enjoyn'd it as a Duty upon all private Subjects, to represent their Sense of the Nation's Grievances in a Course of Law and Justice, and not otherwise; and whenever the Oppressions became National and Publick, They claim'd it as the peculiar Right of their own Body, to pursue the evil Instruments of them, till publick Vengeance were done; and at the same time, the Commons assur'd their Lordships, that they would account their indispensable Duty to her Majesty, and their Country, to assert the Justice and Wisdom of her Administration, against the Enemies of both.

Having thus stated to their Lordships the Nature of this Cause, he persuaded himself, they receiv'd therein many Points of the highest moment to the Peace and Welfare of the Kingdom.

The tendency of the Crimes the Prisoner stood accus'd of, lying open and apparent? But he yet begg'd

their Patience, to draw the Scene a little closer.

Their lordships would consider the necessary Consequence of a Position, meant and expounded so as to persuade the World, that the glorious Work of the Revolution had been the Fruit of Rebellion, and the Work of Traitors: Did it not declare the late Reign to have been continu'd Usurpation? And under what better Circumstances did it bring the present?

Could the Act of Toleration be condemn'd, with any other Tendency, than to weaken so great a support of the Revolution it self? And he entreated their Lordships, to consider certain fatal Effects of an universal Dissatisfaction of the People, in Things that concern'd them nearest, the Safety of the Church of England, and the Protestant Interest, and the Security of themselves and their Posterity.

He concluded, He had thus endeavour'd to discharge the Trust repos'd in him by the Commons, and was not unsensible how far short he had fallen; but he assur'd himself that the Cause could not suffer by it, for its own Strength and Vigour would support it at that time, and so long, he hop'd, as the Nation endur'd.

Then Mr. Attorney General acquainted the Lords, That there were two Sermons deliver'd into the House of Commons, which he desir'd might be deliver'd in, and read

read to their Lordships, and that Mr. Jodrell would give an Account where he had those Books in his Hands.

Then Mr. Jodrell was Sworn, and depos'd, That those two Books had been deliver'd in at the Table of the House of Commons, by one of the Members.

Mr. At. Gen. Put the Question, whether they had been shown to Doctor Sacheverell, when he attended the House?

To which, *Mr. Jodrell* answer'd, They had been shown to him at the Bar of the House.

It was again ask'd by *Mr. Attor. Gen.* Whether the Doctor did own them to be his Books, or what he did own about them?

And *Mr. Jodrell* reply'd, He had own'd the Sermon preach'd the Fifth of November to be his, and that he directed it to be Printed.

Then that Book was delivered in.

And *Mr. At. Gen.* said, There is another Sermon preach'd at the Assizes at Derby, which was also shown him at the Bar, and he own'd it.

The *Lord-Chancellor* ask'd, what they could say as to the Preface of the other Sermon?

Mr. Jodrell answer'd, That the Doctor own'd the Dedication of it to be agreeable with the Dedication of that Impression which he order'd to be Printed.

Mr. At. Gen. desir'd that Dedication might be shown to the Doctor, which if he deny'd, they were ready to prove it by the Printer.

But Sir *Simon Harcourt* told the Lords, the Doctor had own'd the Sermon, and the Dedication of both the Sermons, before the House of Commons; and would not give their Lordships the trouble of hearing any Proof of them. He did own them.

Then *Mr. At. Gen.* desir'd they might be read.

The Clerk read the Dedication of the *Derby* Sermon; and the Dedication and the Sermon at *St. Pauls*.

The Dedication of the Derby Sermon may be seen before in the Proceedings of the House of Commons; the Dedication and Sermon at St. Pauls are both here omitted, as being in the Hands of all men already.

When the Sermon and Dedications were read, the Lords adjourn'd to their own House.

On *February* the 28th, the Lords being come into *Westminster-Hall*, and seated in the Manner before mention'd, the Serjeant at Arms made Proclamation for Silence; and then for Dr. *Sacheverell* to appear.

The Doctor appearing at the Bar accordingly, with his Council, as before.

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The Lord-Chancellor told the Gentlemen of the House of Commons, they might proceed in their Evidence.

Then Sir Joseph Jekyll maintain'd the first Article of the Charge to this Effect.

He said, *Their lordships had the Days before heard the Articles against Dr. Sacheverell, his Answer, and the Commons Replication, read; and the Charge being opened, their lordships likewise heard the Doctor's Sermon preach'd at St. Pauls, and the Dedication of his Derby Sermon; so that the Case was then fully before them.*

That the Part assign'd to him, and some other Gentlemen, was to maintain the first Article of the Commons Charge. The method he should take would be, first, to shew the Importance of that Article: Secondly, to clear up and vindicate the Justice of the Revolution: And, thirdly, to State the Evidence or Proof of the said Article, when charged the Doctor with traducing and condemning the Revolution.

He thought fit to premise, that the Commons could not but think it hard, that in that Assembly of the British Nation, they should after more than twenty years Enjoyment of the Benefits arising by the Revolution, in that Place, and at that Time, be forced to plead in Vindication of the Justice of that Revolution. But since they must give up their Right to the

laws and liberties of the Kingdom, or, which was all one, be precarious in the enjoyment of them, and hold them only during pleasure, if the Doctrine of unlimited Non-resistance prevail'd, the Commons had been content to undertake that Prosecution; and they who shar'd in the legislature with their lordships, had put themselves into the Condition of Suiters for Justice against that Offender, in whom their lordships would find the reverse of a true British Subject: For such an one was dutiful and submissive to his Prince, and true to the liberty of his Country; but in that Criminal their lordships would find virulent Faction, and slavish Submission.

As to the Importance of that Article, their lordships were rightly told the Day before that the whole Charge center'd in that Article.

If the Justice of the Revolution were establish'd, the Toleration would be rejoic'd in by some, and acquiesc'd in by all; the Resolutions of the two Houses of Parliament would have a just reward shown to them; Her Majesty's Administration would be no longer defam'd, nor would that unhappy Distinction of Parties be capable of being heightened amongst us.

But if the Justice of the Revolution, which is our Foundation, were question'd, every thing built on it would in some degree be shaken, and Occasion given for disputes and factions,

factions, never to be ended but by a total Subversion of the Constitution.

That as it was self-evident that the Honour of her Majesty's Government stood upon the Justice of the Revolution, so did the Peace and Tranquility of it depend upon that also.

The Commons might appeal to their Lordships, and the whole Nation, in this Matter: From what Quarter it was that all that Opposition and Obstruction to the Administration of the late King, and her present Majesty had come? Had it not been from those who had question'd the Lawfulness of the Resistance made use of in the Revolution? Whose pursuit after Power was indefatigable, and to obtain which they would make a willing Sacrifice of the common liberty; whilst others who had a contrary Principle, and were convinc'd of the Justice of that Proceeding, had acted a quite contrary Part.

Had they not contributed every thing in their Power to strengthen the Government in her present Majesty's hands, as well as the late King's, and that with a Zeal and Constancy through several Changes, which nothing but a Principle could inspire? How much was owing to that Zeal in promoting the Settlement of the Protestant Succession, and how little to the contrary Principle, every one that remember'd

the state of Things at the end of the late King's Reign could tell. Upon the present Question therefore depended their present Happiness, and future Hopes.

Had not this Principle of unlimited Non-resistance been reviv'd by the profess'd and undisguis'd Friends of the Pretender? Had it not been prosecuted, with an unusual Warmth, since his Attempt upon her Majesty's Crown? could the Pretender have any hopes, but from the keeping alive such Notions? Or could the Queen's Title receive any Advantage from them? Or could it be seasonable to preach this Doctrine in the Reign of the best of Princes, which could be of no use to any but the worst?

That in clearing up and vindicating the Justice of the Revolution, which was the second Thing propos'd, it was far from the Intent of the Commons to state the Limits and Bounds of the Subjects Submission to the Sovereign. That which the Law had been wisely silent in, the Commons desir'd to be silent in too; nor would they put any Case of a justifiable Resistance, but that of the Revolution only; and they perswaded themselves that the doing right to that resistance would be so far from promoting popular Licence or Confusion, that it would have a contrary Effect, and be a Means of setting Mens minds in the Love of, and Veneration for the

the Laws, to rescue and secure, which had been the only Aim and Intention of those concerned in that resistance.

To make out the Justice of the revolution, it might be laid down, that as the Law was the only measure of the Prince's authority, and the People's subjection, so the law deriv'd its being and efficacy from common consent. And to place it on any other foundation than common consent, was to take away the obligation the notion of common consent, put both Prince and People under to observe the laws: And upon this solid and rational foundation the lawyers in all ages had plac'd that Obligation, as appear'd by all our law-books.

That nothing was plainer than that the People had a right to the laws and the constitution. This right the nation had asserted and recover'd out of the hands of those who had dispossest'd them of it at several Times. There were two famous instances of it in the knowledge of the present age, that of the restoration, and that of the revolution; in both which great events the regal power, and the rights of the People were recover'd: And it was hard to say in which the People had the greatest interest; for the Commons were sensible that there was not one legal power belonging to the Crown, but they had an interest in it; and he doubted not but they would always be

as careful to support the rights of the Crown, as their own privileges.

That he should conclude this head with taking notice of the form of Prayer, appointed by royal authority, for the fifth of *November*, then doubly memorable; There were in that form not only thanks offer'd to Almighty God for the revolution, but for the success given to those means that were us'd to bring about that wonderful deliverance; what else was the meaning of thanking God for giving his late Majesty a safe arrival here, and making all Opposition fall before him 'till he became our king and governour?

But notwithstanding the Justice of those steps that were taken to bring about the revolution, notwithstanding the temper and prudence shewn in the settlement of it, and the sanction since given it, not only by the royal but the whole legislative authority, Dr *Sacheverell* had condemn'd the resistance, (which was the principal, if not the only means) by which that deliverance had been wrought, which was the last Thing he propos'd to shew to their lordships.

That this article was divided into three branches; first, the general charge, *That he suggested and maintain'd that the necessary means us'd to bring about the revolution were odious and unjustifiable*: The second and third branches were parti-

particulars of that General, (viz.) *That his late Majesty disclaim'd the least imputation of resistance, and that to impute resistance to the revolution, was to cast black and odious colours upon his late Majesty and the said revolution.*

That to maintain this article, he would not repeat the particular words of the Sermon, but should offer to their lordships what he apprehended to be the clear sense and meaning of those passages in the Sermon which maintain'd that article.

That in the eleventh page of the Quarto Edition, he lay'd down a general Position of the utter illegality of resistance, upon any pretence whatsoever; he said there were some who deny'd this position, who were new Preachers and new Politicians, who taught divers antimonarchical and pernicious Doctrines; he went on, and said, they did not only deny this Position, but urg'd the revolution in defence of their denial, that is, by producing that as an instance of a justifiable resistance; then he exclaim'd against those Men as endeavouring to cast black and odious colours on the late king and revolution, whereas he said the king had disclaim'd the least imputation of resistance by his declaration, and the parliament had disown'd it, declaring they only fill'd a vacant Throne, without taking notice how it became so, and had burnt a book which alledg'd

conquest, because it had that ingredient of resistance in it.

That this extract out of the Sermon made out the first article, which was his condemning the resistance, by the Commons call'd the Necessary Means us'd to bring about the revolution.

For first, that general position of his condemn'd resistance in any case whatsoever.

Secondly, he introduc'd some as denying that position, and fasten'd a vile and odious character upon them.

Thirdly, he made those that deny'd that Doctrine object to it an authority or president of a lawful resistance, viz. that at the revolution; but, this he did only to give up the lawfulness of that resistance, and condemn that as well as any other:

For, Fourthly, he answer'd this objection, by denying there had been any resistance in that case, a fact as clear as the Sun at noon day, and which all the nation had seen and rejoyc'd at.

He brought the late king and the parliament to witness, against any resistance in the revolution; and yet had shewn by two quotations out of the Prince of *Orange's* declaration, one in his answer, and the other in the printed Sermon, that his late Majesty had been so far from disclaiming resistance, that he had avow'd it, and invited the subjects of this kingdom to join in that re-

resistance; for in his answer, he cited that passage in his declaration, wherein his Majesty took notice that he carry'd a force with him, sufficient, by the Blessing of God, to defend him, from the Violence of evil counsellors, and that he design'd that expedition, to oblige king *James* to call a free parliament.

And by his quotation of another passage in the Prince of *Orange's* declaration, it appear'd his late Majesty had been, by divers subjects of king *James's*, invited to and assisted in that expedition, which being an expedition by force, to oblige that king to call a free parliament; had carry'd in it a plain and manifest avowing of resistance.

As to what he said in relation to the parliament's disowning any resistance at the revolution, by asserting that they set the crown on the king's head, on no other title than that of the vacancy of the Throne, that appear'd to be directly otherwise from the several passages in divers acts of Parliament which he had before mention'd; to which he only added that in the conference between the two Houses, previous to the settling the Crown on the king's Head, the word *abdicated* had been insisted upon and carried, for that it included in it the maladministration of king *James*, which the word *deserted* (desir'd to be us'd instead of it) did not; and this appear'd by the Journal. He there-

fore knowing that there had been resistance in the revolution, and the late king and the parliament had avow'd that resistance, and he pretending to defend it only by denying those facts, had by a necessary implication asserted, That that resistance was not an exception to his general rule, but stood condemn'd by it.

That he would not enter upon the consideration of the Doctor's answer to that article, because he did not know whether his council would think fit to abide by it, nor would he meddle with any thing that was proper for the reply.

The sum of the whole Proof being this, That the Doctor lay'd down a Doctrine condemning-resistance in all cases whatsoever; he made those who deny'd this Doctrine, asserters of antimonarchical principles; he took notice of the revolution, only to give it up; he admitted that if there had been resistance in that case, it was as unlawful as any other resistance; he asserted that to be true, which every one knew to be false; he said the late king disclaim'd the least imputation of resistance, the parliament disown'd it, and that they who said there was any resistance in it, did cast black and odious colours on the late king and the revolution, and consequently he condemn'd the resistance us'd to bring about the revolution, which was the matter of the first article.

That

That this was what the Commons rely'd upon, to maintain and make out the first article of their charge against the criminal at the bar, and they referr'd the consideration of it to their lordships wisdom and justice.

Next Mr. Solicitor General acquainted the Lords, That it fell to his share, to state to their lordships the several passages in the Sermon preach'd at St. Paul's, which the Commons rely'd upon as a Proof of the first article; and to shew the particular weakness and insufficiency of the answer given to the charge.

The charge was, That the Gentleman at the Bar did suggest to bring about the late happy revolution was odious and unjustifiable; That his late Majesty in his declaration disclaim'd the least imputation of resistance; and, That to impute resistance to the revolution, was to cast black and odious colours upon his late Majesty and the said revolution.

That the passages upon which the first article was founded, were in the eleventh and twelfth pages of the Sermon, where Doctor Sacheverell having first asserted, That the grand security of our government, and the very pillar upon which it stood was founded upon the steady belief of the subjects Obligation to an absolute and unconditional obedience to the supreme power in all things lawful, and the utter illegality of resistance upon any pretence whatso-

ever, which, he said had been lately exploded and ridicul'd, went on in these words:

Our adversaries think they effectually stop our mouths, and have us sure and unanswerable on this point, when they urge the revolution of this day in their defence; but certainly they are the greatest enemies of that, and his late Majesty, and the most ungrateful for the deliverance, who endeavour to cast such black and odious colours upon both: How often must they be told, that the king himself solemnly disclaim'd the least imputation of resistance, in his declaration; and that the parliament declar'd that they set the crown on his head upon no other title but that of the vacancy of the throne; and did they not unanimously condemn to the flames that infamous libel that would have pleaded the title of conquest, by which resistance was suppos'd?

That the Commons apprehended those words to be a full proof of the assertions charg'd in the first article, for as much as resistance had been the necessary means us'd to bring about the revolution.

And the Doctor expressly affirm'd in that Place, that the king disclaim'd the least imputation of resistance; he asserted it as a thing notorious, which no body could be a stranger to; he said the king disclaim'd it solemnly, he disclaim'd it in his declaration.

And

And he as plainly affirm'd, That to impute resistance to the Revolution, was to cast black and odious colours upon his late Majesty and the Revolution; for he first laid down the utter illegality of resistance upon any pretence whatsoever, as a Fundamental Doctrine; and then acquainted his auditory, that his adversaries thought they could effectually stop his mouth, and had him sure and unanswerable *on this Point*, when they urg'd the Revolution in their defence; but that they were the greatest enemies to the King and to the Revolution, who endeavour'd to cast such *black and odious colours upon both*.

That *this Point* which he said his adversaries thought they had him sure and unanswerable upon, was plainly the Point of resistance, which he had asserted to be illegal upon any pretence whatsoever; and others, he said had deny'd, and had urg'd the Revolution in their defence.

And the urging of the Revolution in that case, as an instance of the legality of resistance, in opposition to his general Doctrine, was what he call'd casting black and odious colours upon the King and the Revolution, for his argument ran thus; All resistance is utterly illegal, the King disclaim'd the least imputation of resistance, the Par-

liament set the Crown upon his Head upon no other Title than that of the Vacancy of the Throne, and burnt a Book because it asserted a Title by which resistance was suppos'd, and therefore to impute resistance to the Revolution, is to cast *black and odious colours* upon his late Majesty and Revolution.

This, Mr. Solicitor General proceeded to tell their Lordships, was the force of the Doctor's reasoning, and the plain and obvious Sense of that part of the Paragraph, and therefore fully made out the charge of his asserting and maintaining, that to impute resistance to the Revolution, was to cast black and odious colours upon his late Majesty and the said Revolution.

That he came next to consider the answer the Doctor made to that Article, which he divides into three parts.

And first, he deny'd that he did Suggest and Maintain, that the necessary Means us'd to bring about the happy Revolution were odious and unjustifiable; and said, That he did not affirm in any part of that Sermon any thing concerning the necessary Means us'd to bring about the happy Revolution; the said Henry Sacheverell being so far from reflecting on his late Majesty or the happy Revolution, that he endeavour'd in that Sermon to clear the Revolution, and

his late Majesty, from the black and odious colours which their greatest Enemies had cast upon both.

The material Part of the Answer to that Branch of the Article was, That he deny'd his maintaining that the necessary Means us'd to bring about the Revolution were odious and unjustifiable, and his affirming any thing concerning those necessary Means. But that this was no more than saying that he had affirm'd nothing by the Words *necessary Means*: And 'twas very true that the Words *necessary Means* were not us'd in any part of the Sermon. But no Body would say that 'twas requisite to charge the Assertion in the very Words.

And therefore if resistance had been necessary, and the Means us'd, in that extraordinary case of the Revolution, he had asserted the Means to be odious and unjustifiable, tho' he had done it in other terms, and by words more particular and express.

And as to that part of the Article whereby he was charg'd with suggesting and maintaing, That his late Majesty in his Declaration disclaim'd the least Imputation of resistance.

He acknowledged himself to have made that Suggestion; but said, he made it not in Dis honour, but in Vindication of his Majesty; the re-

sistance he represented the King to have disclaim'd, being such a resistance as tended to the Conquest of this Realm; for which he refer'd to that part of the Declaration, printed at the bottom of the eleventh Page in the Sermon; and upon that Ground he observ'd, that there are these other passages in the Declaration --- We have thought fit to go over to England, and to carry over with us a Force sufficient, by the Blessing of God, to defend our selves from the Violence of evil Counsellors. --- We think fit to declare, that this our Expedition is intended for no other design than to have a free and lawful Parliament assembled.

That in that part of his answer Doctor Sacheverell admitted he made the Suggestion charg'd upon him, in the same words us'd in the Article; but defended himself by alledging, that the Commons had mistaken his Meaning. --- He meant only, that the King disclaim'd a resistance which tended to Conquest.

Whereas it was clear and plain, that the Words had no such limited or restrain'd sense, and that the Meaning he would then put upon them was a meer shift and evasion; for the Proposition was general, The King disclaim'd the least imputation of resistance: And the use he made of it shew'd that his meaning was general as his words; for he

he was replying upon those who urg'd the Revolution in answer to his general Position, that resistance is utterly illegal upon any pretence whatsoever; and how did he answer the Case of the Revolution, or was it possible to be answer'd, but by saying, that there was no resistance at all in the Revolution; the King, who was principally concern'd in it, disclaiming the least imputation of resistance?

The Question was stated upon resistance in general; whether resistance in any Case, or upon any Occasion, were lawful.

And therefore, if the Lawfulness of resistance in any Case were allow'd, 'twas impossible that his general Assertion should stand; and 'twas equally impossible to get clear of the Objection, without denying the resistance.

That Doctor Sacheverell had been aware of that, and therefore deny'd there was any resistance at all in the Revolution, and said, That the least imputation of it was solemnly disclaim'd and disavow'd. For had he said, in express terms, that the King disclaim'd all imputation of resistance that tended to Conquest, that would have been no answer to the Objection: For if there was any resistance, tho' not the particular resistance which the King disclaim'd; and if that resistance which

was us'd were agreed to be lawful, his fundamental Doctrine must certainly have been shaken: And therefore, if their Lordships suppos'd him to make any use at all of that Assertion, his words plainly spoke his meaning, and represented the King to have disclaim'd all resistance whatsoever.

But he excus'd the making that Suggestion, by declaring, *That he made it not in Dis honour but in Vindication of his Majesty; and therefore whether he was mistaken or not in expressing himself, as if the late King had disclaim'd all imputation of resistance, when he meant thereby, that the late King disclaim'd the imputation of a Design of Conquest, he humbly conceiv'd such a Suggestion, plainly design'd for the Honour of the late King, could not in any reasonable Construction be thought a Reflection upon his said late Majesty, or deem'd any high Crime or Misdemeanor.*

That, had those words been spoken in Vindication of his late Majesty, the Commons, who had so much at Heart the Honour of the late King, and the Justice of the Revolution, had never charg'd them upon that Gentleman as a Crime.

But they carry'd with them the highest reflection upon the Honour and Justice of his Majesty; as supposing

supposing that he deny'd the Lawfulness of resistance when he was actually engag'd in it, and disclaim'd the least imputation of resistance when he brought over an Army on purpose to maintain that resistance, to which all the People of *England* were invited and encourag'd by his Declaration.

And that Assertion, of the King's disclaiming all resistance, could never have been meant in Vindication of his Majesty from any imputation of a Design of Conquest; there being no Occasion for vindicating the King upon that Point, the Subject matter of the Discourse not leading him to it; for the Business of the Sermon, or of that particular Paragraph, was not to vindicate the Honour of the King from any such Aspersions, or to maintain the Liberties of *England*, by asserting, that the Constitution of Government still remain'd, and was not broken and dissolved by Conquest at the Revolution: For had that been his Ground, his mistake had been more excusable; because then it had been proper to have urg'd that there was no Step taken towards the Revolution, which looked like a Design of Conquest; and that the Armed Force used in it, and which had the Appearance of such a Design, was not intended to conquer; for the King, who commanded it, disclaim'd all imputation of resistance

that tended to Conquest. Upon such a Question those things had been very properly urged, and there might have been some indulgence to a general Expression, that in any propriety of speech could have received such a Meaning.

But when the Question was not, Whether the Revolution was brought about by Conquest, or what would be the Consequence of such an Assertion, either in regard to the Honour of the King, or the Condition of the People, there could be no colour for saying that he meant by that general Expression, carrying on such meaning in it felt that the King disclaimed Conquest, or a resistance which tended to Conquest only.

Especially, when the Subject matter of his Discourse naturally led him to assert that proposition in the common and ordinary sense which the Words imported: For he was asserting the Doctrine of absolute Non-resistance, and shewing, that the Lawfulness of the Revolution was no Argument against it; and why? Because the King disclaim'd the least imputation of resistance, there was no such wicked ingredient as resistance in it; no other answer would have served him, and therefore it could never be supposed that he meant to clear the King from any Design of Conquest, or intended to say any thing in Vindication of his Majesty upon that head.

Besides,

Besides, it was an apparent Scandal upon the Memory of the late King, to say there was any Occasion to clear him from that imputation; his actions speaking the justice and sincerity of his intentions; his Business being not to conquer and enslave, but to deliver us from Popery and Slavery, the most dreadful Calamities that could befall us, and to resetttle and establish our Constitution both in Church and State. This being the Ground of the glorious Enterprize he undertook, and the general aim and design of all his Labours thro' the whole Course of his Reign.

It was therefore plain, in his Opinion, that what Doctor *Sacheverell* said in his answer, in excuse of his assertion, relating to the King's disclaiming all imputation of resistance, was rather made to the Dishonour, than in Vindication of his Majesty; there being no colour to suggest that he needed any such Vindication or Defence.

And that the King did not disclaim all imputation of Resistance, was evident, even from that part of his Declaration which was cited in the answer, whereby he declared to the People (to encourage them to join with him) that he had brought over a sufficient Force to defend himself from the Violence

of evil Counsellors. --- And that his expedition was design'd to have a free and lawful Parliament assembled, which was a plain force upon the executive Power that was directed by those evil Counsellors, who by subverting the Liberties of Corporations, and practising upon the freedom of Elections, never intended that any such free or lawful Parliament should be assembled.

This was plain Resistance in the Sense that Doctor *Sacheverell* took the Word, and so far from a justification, that there was no colour to say, that his Majesty disclaim'd the least imputation of Resistance.

As to the last Branch of the article, whereby he was charged that he suggested and maintain'd, That to impute Resistance to the Revolution, was to cast black and odious Colours upon his Majesty and the said Revolution, he deny'd that he suggested or maintain'd any such Position.

But this Negative was fully answer'd by what had been offer'd to their Lordships upon the first head of that article, his asserting that the necessary means us'd to bring about the Revolution were odious and unjustifiable; for if Resistance were utterly illegal upon any Pretence whatsoever, and there had been Resistance in the Revolution, it necessarily

cellarily followed, that to impute Resistance to the Revolution was to cast black and odious Colours upon it. And this was expressly exerted by his stating the Case of the Revolution, in which there had been Resistance, as an Objection to his general Doctrine of Non-resistance upon any Pretence whatsoever; and then answering this Objection, by saying, That the urging of the Revolution, as an instance of the legality of Resistance, was casting black and odious Colours upon his late Majesty and the late Revolution. For no black or odious Colours could have been cast but from the shaking that fundamental Doctrine of absolute Non-resistance, the Belief of which he asserted to be the Pillar upon which the Government of *England* stood.

And therefore the imputing of Resistance to the Revolution, must, according to the Principle by him laid down, have cast black and odious Colours upon the Revolution, and upon the great and glorious instrument of it, his late Majesty, by whom it has been happily brought about.

And Doctor *Sacheverell* himself by the subsequent part of his answer; seem'd to think that this assertion was fairly and plainly inferr'd from the Tenor of his Discourse.

For he was pleas'd to excuse it, by saying, That he intended to apply it not to such Persons as imputed Resistance to the Revolution, of whom he affirmed nothing; but to those new preachers and new politicians, who taught in contradiction both to the Gospel and the Laws, that the people had the power invested in them, the Fountain and Original of it, to cancel their allegiance at their pleasure, and call their Sovereign to account for high treason against his subjects, and who urged the Revolution in defence of such principles; and that, unless those who imputed Resistance to the Revolution, were the same with those new preachers and new politicians, he affirm'd nothing concerning them.

But this part of his answer was far from excusing or extenuating his Crime; for, if a proposition were true, it would lose nothing of its Weight and Force, tho' the vilest Man upon Earth should make Use of it; and it could be no argument against a true Principle, that it had been made Use of to ill Purposes, and to maintain Positions which were not warranted by it. It was farther an aggravation of his crime, and a high reflection upon the Commons, and the justice of their proceeding, to suppose that any such wicked consequence as he mention'd could possibly be inferr'd from

from defending the Resistance at the Revolution. And the Question was, whether Doctor *Sacheverell* himself asserted, that to impute Resistance to the Revolution was to cast black and odious Colours upon it; and not, of whom he affirm'd the casting such black and odious Colours.

Mr. Solicitor General went on to the last part of the Doctor's answer to that article, where he said, That upon the strictest search into his said Sermon preach'd at St. *Paul's*, he did not find that he had given the least colourable pretence for the accusation exhibited against him in the said first article, but barely by his asserting the utter illegality of Resistance to the supreme power upon any pretence whatsoever, for which he conceiv'd he had the authority of the Church of *England*, which had taught and inculcated that doctrine.

To which the said Mr. Solicitor General reply'd, That it must be agreed there was no colourable pretence to charge him with suggesting and maintaining that the Resistance us'd at the Revolution was odious and unjustifiable, if the doctrine of the utter illegality of Resistance upon any pretence whatsoever were true; for upon that principle his censure was just, and it would necessarily follow, that the

Resistance us'd in bringing about the Revolution was not to be maintain'd.

And therefore the Commons should have thought themselves ungrateful for the deliverance, if they had not vindicated the honour of the late King, and of those illustrious persons, who upon his invitation defended the Constitution at that Time by Resistance, and declar'd that Resistance was lawful, honourable and just.

They had reason to hope, that after so many Years pass'd in a happy enjoyment of all the Advantages belonging to a free-born People, and at a Time when the Subjects of this Kingdom were in the full Possession of their Rights and Liberties under her Majesty's Gracious Protection, and the wisest and happiest Administration that *England* ever saw, that no Body could have been so wicked as to cast an Odium upon the necessary Means whereby those Blessings had been obtain'd, and were continu'd to us:

But since, notwithstanding our blessed Deliverance from Popery and Arbitrary Power, and the Benefits we enjoy'd restoring the Constitution both in Church and State, and above all, by her Majesty's happy Administration, which

which had improv'd the Lustre of the Crown to the Honour of the Nation, and the common Benefit of every particular Subject, yet there were Men of turbulent Spirits, Enemies to the Revolution, who were continually urging the Resistance then us'd as a Fundamental Error, fatal every Thing that had been built upon it; this struck so directly at the present Establishment, that the Commons thought it their indispensable Duty to demand their Lordships Judgment upon that important Subject.

And they thought it the more necessary at that Time, because it was plain and obvious to every one's Observation, that since the late attempt made by the Pretender, that principle of the utter illegality of Resistance upon any pretence whatsoever, had been espous'd and maintain'd with more than ordinary Warmth and Zeal; and the Commons apprehended it could have no other Tendency than to blacken the Revolution, and thereby shake the Foundations of the present happy Settlement.

He therefore desired their Lordships would consider the Consequences of that assertion, in regard to her Majesty, and the future happiness of the Kingdom.

He told them, the Commons must always resent, with the utmost detestation and abhorrence, every position that might shake the authority of that act of parliament, whereby the Crown was settled upon her Majesty, and whereby the Lords Spiritual and Temporal, and Commons, did in the Name of all the People of England, most humbly submit themselves to her Majesty, which that general principle of absolute Non-resistance must certainly shake.

For if the Resistance at the Revolution had been illegal, the Revolution settled in Usurpation, and that Act could have no greater Force and Authority than an Act pass'd under a Usurper.

And the Commons took leave to observe, that the Authority of that Parliamentary Settlement was a Matter of the greatest Consequence to maintain, in a Case where the Hereditary Right to the Crown was contested; for her Majesty's most bitter and implacable Enemies, the Friends of the Pretender, (who all asserted the utter illegality of the Resistance us'd at the Revolution) could advance his Title to the Crown, and call him King, upon no other Ground than the Pretence of an Hereditary Right.

The

The Commons therefore, out of the most profound Duty and Allegiance they ow'd and should ever pay to her Majesty, and to maintain the Security of her Government, and guard her throne against every Insinuation that might promote or favour the Interest of the Pretender, thought themselves oblig'd to take Notice of that Assertion, as tending to weaken the Authority of that Act of Parliament, whereby her Majesty's Title was declar'd.

He desir'd their lordships would likewise consider of what Consequence the Dishonouring of the Revolution might be to Posterity, and the future Happiness of the Kingdom in a Protestant Succession to the Crown. For by the same Act all Persons who should hold Communion with the See of Rome, or should marry *Papists*, were declar'd uncapable to inherit, Possess or Enjoy the Crown. And it was enacted, that the Crown and Government should from time to time descend to, and be enjoy'd by, such Persons being *Protestants*, as should have inherit'd and enjoy'd the same, in case such Popish Princes had been naturally dead.

And the immediate Protestant Succession in the illustrious House of Hanover, in default of Issue of her Majesty, was likewise settled by an Act of the same Reign.

And it appear'd, by the several Instances mention'd in the Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown, that at the Time of the Revolution there had been a total Subversion of the Constitution of Government both in Church and State, which was a case that the Laws of *England* could never have suppos'd, provided for, or had in view.

And the same Answer might with equal Reason be apply'd to the general Doctrine of the Church express'd in her Homilies.

This was what he had to offer to their Lordships in maintenance of the first Article; being sensible how defective he had been, but what he had fail'd in, would be abundantly supply'd by the Gentlemen who were appointed to assist in maintaining that Article.

Sir John Holland, the next of the managers, represented to their lordships, *That the present consideration was of the greatest importance; no less, than whether so many of their lordships and the commons of Great Britain, who had taken up arms at the Revolution, and been then thought patriots of their country, were really rebels; whether their late deliverer was an usurper; and whether the protestant succession was legal and valid.*

All these considerations (he said) depended upon the lawfulness of the resistance at the Revolution; and that there had been a Resistance was most plain, if taking up arms in Yorkshire, Nottinghamshire, Cheshire, and almost all the counties of England; if the desertion of a Prince's own troops to an invading Prince, and turning their arms against their Sovereign, were resistance.

But if Subjects were obliged to an absolute and unconditional obedience, the convention of the States, the Settlement and Entail of the Crown by them, and the further settlement in the Protestant Succession under that Settlement, must, from that Resistance, be unlawful and void.

That the criminal had been aware of that just objection to his general doctrine, when applied to the Revolution; as appeared from his endeavouring, upon second thoughts, to conceal it by his marginal note, to hint, that by Resistance he had meant Conquest. And no wonder he had endeavoured to colour so bold a stroke, which he could not but expect to hear of, with the utmost resentment from the Government.

But it so fell out, that what he trusted to for a screen, aggravated the heinousness of his crime; for it shewed, that he instilled into his auditors those notions from the Pulpit, which he durst not own in Print;

for nothing could be more manifest, than that he could not by Resistance have thought Conquest, even from his own expressions: For in the very next Period he said, and did they not, i. e. the Parliament, unanimously condemn to the flames (as it justly deserv'd) that infamous Libel, that would have pleaded the Title of Conquest, by which Resistance was suppos'd? So that he knew them to be distinct notions, and indeed so they must be, because one might be without the other.

That it had been an inaccountable presumption in the Doctor, to suppose so weak a pretence should pass upon the world; but much more surprizing it was, that he could apprehend so mean a Subterfuge could prevent their Lordships justice. But from thence the Commons observ'd, that he was a conceal'd Man, and of a dangerous Spirit. And as such they had brought him hitherto to reform him, and to be made an Example to others.

That the Commons would not be understood, as if they were pleading for a licentious Resistance; as if Subjects were left to their good Will and Pleasure, when they were to Obey, and when to resist. No, they knew they were oblig'd by all the Ties of Social Creatures, and Christians, for Wrath and Conscience sake, to submit to their Sovereign. The Commons did not abet humour some factious Arms,

Arms, they averr'd 'em to be Rebel-
lions. But yet they maintained that
the Resistance at the Revolution,
which was so Necessary, had been
Lawful and Just from that Ne-
cessity.

They did agree that the Laws con-
cerning Obedience, both Human and
Divine, were very expresse and posi-
tive; and no wonder that the Homi-
lies and Fathers dead and living,
followed the same way of expressing
their Duty in general Terms. They
readily granted that, but it did not
follow that there could be no Excep-
tion from those general Rules in Con-
science.

That there was no Law more
positive and expresse than that which
enjoins the Observation of the Sab-
bath, wherein we are commanded to
do no Manner of Work; Yet all
Men knew, that Necessity made an
allowed Exception to that general
Law, and the Reason why that Ne-
cessity was allowed as a just Excep-
tion to that positive Law, would
guide us to know, what Laws would
admit of Exceptions from Necessity,
and what not.

The Reason our Divine Lawgiver
assign'd, being, because the Sabbath
was made for Man, and not Man
for the Sabbath; from whence plain-
ly followed this Corollary: That
where there was a positive Law,
and that Law respected not some

principal End for which Man was
made, there Necessity might make a
justifiable Exceptoon, how Express so-
ever that Law might be.

That whether Government was
made for Man, or Man for Govern-
ment, would easily appear from that
short Observation, That Man had
been made in a State of Perfection;
and the rectitude of that State sup-
posed the Absence of all those Crimes,
which were the Objects of Govern-
ment, and which Government was to
Reform. And therefore Government
could not have been one end of Man's
Creation, and those general Rules of
Obedience might upon a real necessity,
have admitted a Lawful Exception;
and such a necessary Exception they
asserted the Revolution to be.

That it was with this View of ne-
cessity, only absolute necessity of pre-
serving their Laws, Liberties and
Religion; it was with this Limita-
tion that they desir'd to be understood,
when any of them spoke of Resistance
in general. The necessity of the re-
sistance at the Revolution had been at
that time Obvious to every Man.
Every one, who either was not, or
did not find his easy mind, prepar'd
to be a Tool of Poverty or Slavery, had
dreaded the Instances of that necessity.

The Cancelling all the Securi-
ty from Laws by a dispensing
Power; the erecting Commissions to
deprive Subjects of their Property,

not according to Law, but Humour; the making the whole Government depend upon the arbitrary Pleasure of the then Prince, could not but be a Justification of that necessity before God and Man.

That so it was thought, at the time that resistance was on Foot. For then, when the Time was most proper for Admonitions of that nature, the Clergy had been so far from averring the Unlawfulness of resistance upon any Pretence whatsoever that the true distinguishing Characteristic of a Church of England Man had then been, wishing that resistance good luck, and rejoicing at its Success. And yet the Gentleman at the Bar made that Exception, the Instance of an unjust resistance, by an ironical Assertion of the late King's solemnly disclaiming the least Imputation of Resistance in his Declaration; for ironical it must be, when every body must believe that he himself knew the Contrary: A Figure of Speech very well understood, and known to be the most biting Sarcasm.

To conclude, That so much depended upon the revolution, that the Commons were highly Jealous of the Honour of it. That it was indeed twenty Years since the Revolution had been settled, but it was within much less than twenty Years that a Pretender had attempted to invade

their Country, to set that Revolution aside. That Person, even with his own good Opinion of his Right, knowing he could have no Pretence to the Crown, unless the Prisoners political Divinity were true, which they averr'd it was Not.

But lest that Pretender should apprehend that his Friends were much encreased, when he heard that the Revolution was publickly branded in sermons as black and odious; the Commons had impeach'd that Preacher, that he might not be Guilty of that high Crime and Misdemeanor without discouragement, and had brought him to their Lordships Bar for Justice, that he might not do it with Impunity.

After Sir John Holland, Mr. Walpole, another of the Managers, deliver'd himself to this Effect:

That the Commons were making good the charge against Doctor Henry Sacheverell contain'd in the first Article, wherein he was accus'd for suggesting and maintaining that the necessary Means us'd to bring about the happy Revolution were odious and unjustifiable, and that to impute resistance to the Revolution, was to cast black and odious Colours upon his late Majesty and the Revolution.

That by what had been already offer'd

offer'd to their Lordships, he made no doubt but they were fully convinced, how Injurious those Positions must be to the Peace and Quiet of the Kingdom, and how highly they deserv'd, and loudly call'd for their Lordships speedy and exemplary Justice.

That the great Licentiousness of the Press, in censuring and reflecting upon all Parts of the government, had of late given too just cause of offence; but when only pamphlets and common libels were matters of complaint, when none but mercenary scribblers, and the hackney pens of a discontented party were employed in venting their malice, it was fit to leave them to the common course of the law, and to the ordinary proceedings of the courts below. But when the trumpet was sounded in *Sion*, when the Pulpit took up the cudgels, when the cause of God, and of the Church, when that bitter and poisonous Pill was gilded over with the specious name of loyalty, and the people were taught for their Souls and Consciences sake to swallow those pernicious doctrines, when instead of sound religion, divinity and morality, factious and seditious discourses were become the constant entertainments of some congregations; the Commons could not but think it high time to put a stop to that growing evil, and for the authority of a Parliament to interpose, and exert

itself, in defence of the revolution, the present government, and the protestant succession. All which the Commons thought so materially concern'd in that question, that if the doctrines, advanc'd by Doctor *Sacheverell*, were not criminal in the highest degree, it would follow, that the necessary means us'd to bring about the revolution had been illegal, and consequently, that the present establishment, and protestant succession, founded upon that Revolution, were void and of no effect.

The Commons could not but apprehend that the just resentment and indignation they had shewn upon that occasion, would meet with the general applause of all that were heartily and sincerely well affected to her Majesty, and her government; but for all those, whose principles and practices render'd them most justly suspected to have other views, they were not at all surprized to find them alarm'd, and under the greatest concern, at that tryal.

That he was sensible of the difficulty and nicety that attended the speaking to that point, and that whilst a loyal subject and faithful servant of the best of Queens, was speaking in defence of the necessary and commendable resistance us'd at the revolution, his arguments might be misconstru'd, and misrepresented, as maintaining antimonarchical schemes.

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But that to plead for resistance, that resistance he meant, which alone could be concerned in that debate, was to assert and maintain the very being of the present government and Constitution; and to assert non-resistance in that boundless and unlimited sense in which Doctor *Sacheverell* presum'd to assert it, was to sap and undermine the very foundations of the government, to remove the natural basis and fundamental strength of the constitution, and to leave it under-set with imaginary props and buttresses, which did, at best, but ill support a shaken foundation: And it was a most surprizing assurance in the Enemies of the government, that whilst they were striking at the root, and digging up the foundations, upon which the present and future settlement was built, they should hope to pass upon the world as friends to either; but so irreconcilable were the professions and practices of some men, so awkwardly did they speak well of what they did not in their hearts approve, that in vindication of his late Majesty (for that was a part that sometimes they thought useful to act) they declar'd his most glorious enterprize, to save a sinking nation, utterly illegal: To recommend themselves to the Queen, they condemn'd that revolution, without which she never had been Queen, and the subjects a most unhappy people: To testify their zeal and affection for the protestant succession,

they invalidated all the laws that had been made for securing that blessing to posterity: And lastly, to manifest their aversion, and for ever to blast all the hopes of the Pretender, they advanc'd and maintain'd the hereditary right, as the only true right, to the crown. But what interest those opinions might at one time or other be produc'd to support, and in favour of whose pretensions, those insinuations were easily understood to be, and in favour of what settlement they could hardly be constru'd, he submitted to their lordships consideration.

That Resistance was no where enacted to be legal, but subjected, by all the Laws still in being, to the greatest Penalties; that it was not, could not, nor ought ever to be describ'd, or affirm'd in any positive Law, to be excusable: When, and upon what never to be expected Occasions, it might be exercis'd, no Man could foresee; and ought never to be thought of, but when an utter Subversion of the Laws of the Realm threaten'd the whole frame of a Constitution, and no Redress could otherwise be hop'd for: It therefore did, and ought for ever to stand, in the Eye and Letter of the Law, as the highest Offence.

But because any Man or party of Men, might not out of Polly or Wantonness commit Treason, or make

make their own Discontents, ill Principles, or disguis'd Affections to another Interest, a Pretence to resist the supreme Power, would it follow from thence, that the utmost Necessity ought not to engage a Nation in its own Defence, for the Preservation of the whole? Or on the other side, Because the greatest and most inexpressible Emergencies did sufficiently justify and warrant the Resistance of the Revolution, would it be a Consequence, that therefore, upon every slight Pretext or common Occasion, the Laws that fence against Treason would be of no effect? No, he hop'd their Lordships just Judgment in that case would convince the World, that every *Seditious, Discontented, Hot-headed, Ungifted, Unedifying Preacher* (the Doctor would pardon him for borrowing one String of Epithets from him, and for once using a little of his own Language) who had no Hopes of distinguishing himself in the World, but by a matchless Indiscretion, might not advance, with Impunity, Doctrines destructive of the Peace and Quiet of her Majesty's Government, and the Protestant Succession, and prepare the minds of the People for an Alteration, by giving them ill Impressions of the present Establishment and its Administration.

That the Doctrine of unlimited, unconditional Passive Obedience,

was first invented to support Arbitrary and Despotick Power, and was never promoted or countenanc'd by any Government that had not Designs some time or other of making Use of it; What then could be the Design of preaching that Doctrine then unmask'd, unsought for, in her Majesty's Reign, where the Law was the only Rule and Measure of the Power of the Crown, and of the Obedience of the People? if then that Doctrine could neither be an Advantage or Security to her Majesty, who neither wanted, nor desired it, to what End and Purpose must every Man conclude it was then set on Foot, but to unhinge the present Government, by setting aside all that had been done in Opposition to that Doctrine; and when, by those Means, the Way was made clear to another Title, the People were ready instructed to submit to whatever should be impos'd upon them.

Mr. Walpole added it might be expected, after he had said thus much in general, that he should proceed to shew in what Parts of the Sermon those Aspersions were contained: But, that Part had been so fully and distinctly spoke to, by those learned Gentlemen who were more proper, and a great deal more able, to manage that Province, that he would not mispend their Lordships Time, by repeating what had been already so fully and justly made out; but so much

much he would venture to say, That if the Rubbage were removed, with which the Doctor had an excellent Talent at puzzling Common Sense and the several Sentences, that could only be relative to one another, were brought together, it was impossible for the Art of Man to make any Inferences or Constructions, so close and strong, as the plain and genuine sense of the whole Scope of his Sermon, must at first view suggest to every Man's Understanding.

And all that the Doctor alledged in his Defence was, That in the Revolution there had been no Resistance at all, and the King utterly disclaim'd any such Imputation. But surely, it could not be then necessary to prove resistance in the Revolution, he should as well expect that their Lordships would desire him for form's sake, to prove the Sun shined at Noon-day; If then, there had been most undoubtedly resistance used to bring about the Revolution, it would follow that all the Censures so freely bestowed upon resistance in general, must attend and would be imputed to the Revolution: And if resistance were utterly illegal, upon any Pretence whatsoever; If it was a Sin, which unrepented of, by the Doctrine of the Church of England, carried sure and certain Damnation; If, upon Repentance, there was no Remission of Sins with a stedfast Purpose to amend the Evil done, and to make all possible Restitution, or at least to do

our utmost Endeavours for that purpose; He begg'd their Lordships to consider what a Duty was here pressed, upon the Peril of Damnation, upon every Man's Conscience, that knew, or believ'd that there had been resistance in the Revolution, and was conscious to himself, of being any ways assisting, or even consenting, to that Damnable Sin; and what must be the Consequence, if those Doctrines, without any Reserve or Exception, were with Impunity preach'd throughout the Kingdom.

All which, he hoped, was sufficient to satisfy their Lordships, that Dr. Sacheverell was guilty of the charge exhibited against him in the first article; and that he was an offender of that nature and malignity, that that Court only could be the proper Judges of such high crimes; - and from their Lordship's Justice the Commons hop'd that his punishment would be adequate to the heinousness of his offence.

Sir John Hawles followed Mr. Walpole, the purport of whose speech was; that the Commons of Great-Britain had commanded him to be assisting to the Gentlemen that spoke before, for the proving the prisoner at the bar guilty of the crime charged in the first article of his impeachment; which was, that he did suggest and maintain, in his Sermon preach'd at St. Pauls, that the necessary means us'd to bring about the happy revolution were odious and unjustifiable; and

and that his late Majesty in his Declaration disclaim'd the least imputation of Resistance; and that to impute Resistance to the said Revolution was to cast black and odious Colours on his late Majesty.

In making good which article against the doctor, he hoped the gentlemen that had spoke before him would excuse him, if he made use of another Method than what they had done; which he should do, not misliking the course they had taken, nor that he thought the Method he should take was better than theirs, but only because he would not repeat what was said by them, which he was sure would come with the worse grace from him than it did from them; and because he was sure what had been said was very well remembred by their lordships. What he should offer, he thought was somewhat to the purpose, and not mentioned by the gentlemen before.

As to the passages taken out of the Sermon, to prove the Doctor guilty of the fact of the first article, they had been so fully opened, and so very well apply'd that he had very little to add to what had been said; he should only therefore say, that the clause of the doctor's sermon, wherein the doctor asserted that *The grand Security of the government, and the very pillar upon which it stood, was founded upon the steady belief of the subjects obligation to an absolute and unconditional obedience*

to the supreme Power in all things lawful, and the utter illegality of resistance upon any pretence whatsoever, he laid down not as a doctrine he would teach his congregation, but in order to draw an argument from thence for some other purpose; and what that was appear'd plainly afterwards; for having alledged some things not proper for the occasion for which the day upon which he preached was solemnized, he added, *Our adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this point, when they urge the revolution of this day in their defence; but certainly they are the greatest enemies of that, and his late majesty, and the most ungrateful for their deliverance, who endeavour to cast such black and odious colours upon both. How often must they be told, that the late king himself solemnly disclaim'd the least imputation of resistance?*

By which 'twas plain, that the position of the subjects Obligation to an absolute and unconditional obedience to the supreme Power laid down, had been only to shock and lay odious colours upon the Revolution, or the means whereby it was brought about; he knowing that the means whereby the revolution had been brought about, had been by force, and he knew it had been so declar'd by the act of parliament made in the first year of King William and Queen Mary, for preventing vexatious suits against such as
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acted in order to the bringing in the late king and queen. And though the doctor would insinuate that the same had not been done by force, and it was own'd that he did not assert that either it was or was not done by force, but he strongly insinuated it was not done by force, when he asserted, though untruly, that the late king disclaim'd any resistance upon his coming. *Sir John* would say nothing more as to that matter, and nothing as to that other, that had been largely opened, relating to the subjects obligation to an absolute and unconditional obedience to the supreme Power; the rather, because if it had been doubtful, the acts of parliament mentioned in the preface to the articles, whereby the revolution had been declar'd to be a glorious enterprize, and the means for bringing of it about justify'd, had determin'd that matter; and because their lordships he thought would not suffer the doctor or his council to say any thing against the revolution, or the means whereby it had been brought about.

He said, The commons of *Great Britain* own their lordships to be the supreme court of judicature in the government, but yet they thought that acts of parliament, whereof their lordships were in part the makers, were as binding upon their lordships, as a court of judicature, as they were upon any court of *Westminster-Hall*, where

matters determined by act of parliament were never suffered to be disputed afterwards; but he owned what was practis'd in *Westminster-Hall*, was not a rule whereby their lordships ought to be governed, and therefore he relied only upon the reason of what he asserted; for altho' their lordships were the supreme court, and from whom no appeal did lie to any other court of judicature, yet their lordships, as a part of the legislature, were greater than in their judicial capacity, in which they were subject to the law; tho' in their legislative capacity, in concurrence with two other powers, they were above the law. He therefore thought it incongruous, that a court of persons of less power should judge otherwise than the court of greater power had determined; but he submitted to their lordships, and was sure the gentlemen of council with the doctor knew their duty so well in that matter, that they would not give their lordships the trouble of an admonition upon that occasion.

He would not add more upon that subject, but proceed, with their lordships permission, to prove the doctor guilty of what he was charged with in that first article, by the doctrine by himself laid down in his sermon, and admit for argument-sake the same to be true; tho' he must assert, that he carried the doctrine somewhat farther than the apostles

apostles had done in some respect, but in other respects seemed to restrain it more than they did. In the restraining part he seemed to confine the absolute and conditional obedience to thing lawful, which restraint looked like something, but in truth, upon examination, was nothing; for supposing the supreme power commanded the subject to do something which it thought lawful, but the subject not willing to obey pretended the thing to be unlawful, the true reasons being that it was chargeable, troublesome, hazardous, or the like; in this case who was to be judge; the supreme power, or the subject? In the reason of the thing, neither of them were proper judges; for the supreme power would be byass'd, by reason of the command given by them at first, and would be asham'd to own what they commanded was unlawful, and therefore would give Judgment on their own side, to justify themselves in what they had commanded; and the subject would be as much byass'd for the same reason that he had been at first dissatisfy'd with the command; and there being no higher power or authority to appeal to than the supreme power, that must needs be the judge, from whom there could be no appeal.

But perhaps the doctor and he differed in the persons in whom the supream power was lodged, for the doctor had not mentioned that

matter, either in his sermon, or in his answer to the articles; but he hoped in the answer the doctor was to give to what was then objected against him, he would tell them in whom that power was lodged; but that he would himself first tell the doctor in whom he thought it was lodged, and that was in the queen's majesty, the lords spiritual and temporal and commons in parliament assembled: And he thought when the acts mentioned in the impeachment passed (except the act for declaring the rights and liberties of the subject) the supreme power had been lodg'd in the late king *William* and queen *Mary*, and the lords spiritual and temporal and commons in parliament assembled.

But as the doctor seem'd to have restrain'd his doctrine of non-resistance, had as much enlarged his doctrine of absolute obedience; for, as *Sir John* thought what had been till then written or asserted, upon the occasion of that matter, went no farther than passive obedience and non-resistance; but the prisoner's doctrine extended to active obedience as well as passive, because, the words of the apostles, from whom that doctrine was taken, seemed to restrain it only to passive obedience and non-resistance; and the reasons why the apostles inculcated no other obedience, was, as he believed, because that was sufficient to secure the government under

under which the apostles lived, which was the *Roman* government, and which stood in fear, of no foreign force, and which government was said and believed, could not be ruined but by its own subjects which afterwards proved to be true.

That their doctrine was the doctrine of christianity, and truly so called, Sir *John* readily agreed to the prisoner; but he did not think that christianity introduced that doctrine into the world, for he thought as the doctor did, that it was as ancient as government, because it was impossible that government could subsist, unless supported by its subjects; but how ancient that doctrine was, could not be asserted, without knowing how government came to be introduced into the world? If it was patriarchal, as some had asserted, it was as ancient as *Adam*; if introduced by conquest, then its date was no higher than *Nimrod*; if it was by compact, then he could not say when it began; but so much was certain, that it had been as ancient as the *Roman* people; which was above seven hundred years before the coming of our Saviour, but how long before the *Roman* name was known he could not take upon him to say.

But tho' that doctrine had not been introduced by christianity, yet he thought it might well and pro-

perly be called the christian doctrine; for tho' among the heathens it was a political law, and obliged as other laws did for fear of punishment, yet christianity had first pressed that doctrine upon the consciences of the subject, which no other religion had done, and that was sufficient to entitle it to the name of christian.

But the doctor, as he said, had carried it farther than the words of the apostles did, extending it to an active obedience, which the words of the apostles did not warrant, in the strictness of the expressions.

Yet he would not contest with the doctor in that matter, for if the doctrine, as preached by the apostles were sufficient to secure the government they lived under, as it was, and that doctrine was not sufficient to secure the government we now live under, as it was not; the doctor might very well think that what he then asserted, by the equity, as it is called (that is) the reason of the doctrine preached by the apostles, was well warranted.

Having thus stated the matter of the subjects obedience to the supreme power, in which he had agreed with the doctrine set forth in the sermon. Sir *John* could not imagine how the doctor could justify himself in declaring against the revolution, as he had done; when he knew, as well as any, that the revolution had been justified by the
supreme

supream power in the acts of parliament mentioned: For certainly it must be granted, that the doctrine that commanded obedience to the supream power, tho' in things contrary to nature, even to suffer death, being the highest injustice that could be done a man, rather than make an opposition to the supream power, because the death of one or some few private persons was a less evil, than disturbing the whole government, that law must needs have been understood to forbid the doing or saying any thing to disturb the government, the rather because the obeying that law could not be pretended to be against nature; and the Doctor's refusing to obey that implicit law, was the reason for which he was then prosecuted, though he would have had it believed, that the reason of his then prosecution was for the doctrine he asserted of obedience to the supream power, which he might have preach'd as long as he had pleas'd, and the commons would have taken no offence at it, if he had stop'd there, and had not taken upon him, on that pretence or occasion, to cast odious colours upon the revolution; if he was of the opinion he pretend, it could not be imagin'd how it came to pass, that he who pay'd that deference to the supream power, had preach'd so directly contrary to the determinations of the supream power in this government, he very well knowing that the lawfulness of the Revolu-

tion, and of the means whereby it had been brought about; had already been determin'd by the aforesaid acts of parliament, and did it in the worst manner that he could invent; for questioning the right to the crown here in *England*, had procur'd the shedding of more blood, and caus'd more slaughter, than all the other matters tending to disturbances in the government put together.

If therefore the doctrine which the apostles had laid down was only to continue the peace of the world, as thinking the death of some few particular persons better to be born with than a civil war; sure it must be the highest breach of that law, to question the first principles of this government.

That it was not forgotten how much blood had been spilt upon the account of the title between the houses of *York* and *Lancaster*, in which the learn'd in the law had differ'd, and the setting on foot that question of the title of the present government, above twenty years ago determin'd, and that determination acquiesc'd in from that time 'till then, in all probability, if not suppress'd, would tend to as great mischief as that war entail'd on the nation.

Yet the Doctor, who preach'd up the subjects submission to the supream

pream power, even to death it self, thought he had not only a licence, but a command from God, to enquire into the late king and queen's right to the crown, and to blow a trumpet to set his fellow subjects to cut one anothers throats upon that account, which surely was the absurdest construction of a text that ever was made; and yet that was the case if the prisoner's practice were compar'd with his doctrine.

He thought the Doctor ought to have consider'd what our Saviour and his apostles did in their time; it did not appear that any of them ever questioned the title of the emperors, under whose government they liv'd, or ever said any thing relating to their titles, or that power they exercis'd; and yet if they had thought it lawful or expedient, they had just occasions to have done it.

That St. *John*, the survivor of the apostles, had liv'd, as was said, to the time of *Trajan*; so that by that account he liv'd under thirteen emperors, including *Augustus* and *Trajan*; and yet neither of them had so much as a pretence of right to the empire, according to the opinion then had of that right.

That, the first and last of those emperors were the very best the *Romans* had, except perhaps *Titus Vespasian*; and yet *Augustus* came to the empire by the worst means

of any of them, for he had waded through a sea of blood, and been guilty of many acts of treachery and cruelty; but after the world had reap'd so many benefits by his excellent government, it forgot the inquiry of the means whereby the empire had been obtain'd; and the best means of obtaining the empire, by the following emperors, 'till the time of *Titus Vespasian*, had been by force, and most of them by treacherous murders; and yet it did not appear that either our Saviour or his apostles had reproach'd any of those emperors with the injustice of the means whereby they became so.

And he thought it would have become the Doctor to have followed those good examples; but the Doctor was of another opinion, and thought the aforesaid words of *Isaiah*, *To cry aloud*, &c. did well warrant that his opinion, not considering that the prophet had that express command from God, for reprovng the hypocrisy of the *Jews*; and if the Doctor had the like command for preaching as he had done, he thought he had quoted a good authority for so doing; but he must give a better proof of such command than he had yet done.

If the doctor thought the command given to *Isaiah* extended to him, how came it to pass that the apostles did not think the same command extended to them? Did not they

they live nearer the time of *Isaiab*? Were not they acquainted with the writings of *Isaiab*, as well or better than the doctor, and so might have known the authority given to that prophet better than the doctor? But yet forbore to do as the doctor hath done; and their having forbore so to do, could not proceed from any other reason, than that they thought those words did not extend to the apostles, or that they thought it was not lawful or expedient for them to question the title of those princes, or the justice or means whereby they had obtained it.

Sir *John* added, that if the doctor had been contented with the liberty he took of preaching up the duty of passive obedience in the most extensive manner he had thought fit, and would have stop'd there, their lordships would not have had the trouble in relation to him they were then put to; but it was plain, that he preached up his absolute and unconditional Obedience, not to continue the peace and tranquility of the nation, but to set the subjects at strife, and to raise a war in the bowels of it, and therefore he was then prosecuted, though he would fain have had it believed, that the prosecution was for preaching the peaceable doctrine of absolute obedience.

Sir *John* said, he could not but take notice of the scandal the doctor charged upon the late king, as if

of Resistance in order to a conquest, than which nothing could be more absurd, for that never a conquest when he landed he had disclaimed all manner of imputation of resistance, than which nothing was more untrue, even by the doctor's own confession in his answer, and the words of the declaration mentioned in the print of the sermon, tho' no part of the sermon, whereby he pretended to explain himself, by saying, he intended a Disclaimer had been made, or ever would be made, by bare resistance; nor ever had a weaker Thing been charged upon a prince, than to make him disclaim all resistance at a Time when he was actually making War; for his bringing an armed force of that number he did into this kingdom, with a great train of artillery with him, had been making war by the law of *Great Britain*; and he had charged the prince of *Orange* with an act of the highest treachery, in pretending peace when he actually made war.

That the last matter he should take notice of were the words in the nineteenth page of the doctor's sermon, viz. That old leaven of their forefathers is still working in the present generation; that this traditional poison still remains in this brood of vipers, to sting us to Death is sufficiently visible, as to the dangerous Encroachment they now make upon our Government, and the treasonable reflection they have

have published upon her Majesty, God bless her! whose hereditary right to the throne they have had the impudence to deny and cancel, to make her a creature of their own power; and that by the same principles they plac'd a Crown upon her, they tell us, they, (that is the Mob) may reassume it at their pleasure.

That he thought it could not be doubted who it was the Doctor meant by the Word *Mob*, which was the people of *England*; for tho' the word *Mob* were a cant word amongst a sort of people called Gypsies, and with them signify'd the meanest of the scum or dregs of the people, yet as the doctor has used it in that place, it could signify nothing else than the Body of the People of *England*, of whom Sir *John* believ'd their Lordships did not think it beneath them to be thought a part, and the chiefest part, for he asserted, They said, that they had placed a Crown upon her Majesty, and from thence made an inference that they might reassume it at their pleasure; which could be intended nothing else than what had been done in respect of her Majesty by the bill of rights, wherein 'twas said, That the lords spiritual and temporal and commons in parliament assembled did declare her Majesty, after the death of the late King and Queen, without heirs of her body, was lawful and right Queen of this Realm.

Now, though her Majesty had an hereditary right and title to the Crown, and so she was not so much concern'd in the Declaration by the said Act, as the last King and Queen, in what that Act conferred upon them, which had been done only by the people of *England*, under the denomination of lords spiritual and temporal and commons in parliament assembled; and if that had not conferr'd a title to the Crown to the late King and Queen of these realms, by the doctor's reasoning, had been no better than the Usurpers of another's right; and though that bill of rights had afterwards confirm'd by an act in the second year of their reign, yet that would not at all mend the matter; for if they had not obtain'd a Right, by the bill of rights, to the crown of these realms, they could be no more king and queen of these these realms, than they had been the day before the said bill of rights: but the truth was, that when a government was brought out of *France*, by the extraordinary steps of a prince, 'twas a vain thing to hope that it ever could be set right by regular steps, for that never was done, nor ever would be done; but that those Methods which were necessary to set the government in a right frame again, had been always taken to be legal, though by the nicety of the law they could not be well justified.

That upon the change of government from *Richard* the second, to *Henry* the fourth, the parliament call'd

called in the Time of *Richard* the Second, and his Authority, had continu'd to sit in the Time of *Henry* the fourth, and pass'd several Acts in the time of *Henry* the fourth, which had never been practis'd before, nor warranted by any known Laws; yet what done had been allow'd to be legal.

So in the time of *Henry* the seventh; he being attainted of High Treason, which according to the Rules of law at that time, prevented the Descent of the crown on him, and his Friends being also mostly attainted, were incapable of sitting in Parliament till those attainders were revers'd, which could not be done but by act of parliament, or the court of King's Bench; and that king did not care to have a parliament till his friends might be capable of sitting there, nor could he make Judges till he was king, which difficulty seem'd to be insuperable, but the judges made a resolution according to the exigence of the thing, and declar'd that Sir *William Stanley's* placing the crown upon the earl of *Richmond's* Head purg'd his attainder, and he thereby became from thenceforwards king of *England*, and enabled to constitute judges, and the judges to reverse the attainder of all the king's friends: that it was true, *Henry* the seventh married the heiress of the house of *Tork*, and was thereby, as has been since thought, king in right of his

queen, but he never would own her title to the crown, nor ever suffer'd her to join with him in any act of government, nor ever declar'd by what title he possess'd the crown; and yet none of the Acts pass'd in his time, nor any thing then transacted, had been afterwards questioned upon the account of his title to the crown; that an act had pass'd in his time, indemnifying such as should obey or assist the king then in being, whether he had right to the crown or no; but if he had not been allow'd to be king before the passing of that act, the acts of parliament that passed in his time would have been of no more validity, than the acts passed in the time of *Cromwel*, or any other usurper; whereby 'twas plain, that the doctor then, and the persons who had the best Knowledge of matters of that kind in those days, disagreed in opinion.

And he could not but take notice that the doctor, notwithstanding his little knowledge in the matters he discoursed of, made the declaration by parliament of the queen's title to the crown, to be the cancelling of her title by descent; and therefore he seem'd to advise her majesty, to quit that title she claim'd from her people, and to rely upon her title by inheritance: Whereas, if the doctor had but known what our law allow'd; or if he had read any thing of this matter, he

would have known that those titles did by no means disagree, but were consistent with one another, and that princes that sometimes have claim'd by several titles, would not make their choice of which they rely'd on. That *Henry* the eighth, who was heir of the houses of *York* and *Lancaster*, never declar'd on which title he rely'd; queen *Elizabeth*, after the death of her brother and sister, claim'd as heir to *Henry* the eighth, and was likewise devisee of the government of *England* by the Will of her father, who had been by act of parliament enabled to give it by his will to whom he pleas'd; but notwithstanding that, she desired to have an act of parliament, which she had, declaring her to be queen of *England*, &c. which Act of Parliament was to the same purpose as was the Bill of rights in respect of her majesty's title to the crown. Sir *John* said, he would not trouble their lordships any more, to prove the prisoner guilty of the crimes charged upon him by the first article of the impeachment; yet he could not but observe some aggravating circumstances of the prisoner's crime. As first, That the doctrine in the impeachment had been preach'd by a divine of the church of *England* as by law established; for a divine of the church of *England* was a Person of that credit, that the people were ready to assent to what he said without considering what the same was, or

how made out: In the next place, it had been preached in the cathedral church of the Metropolis of the kingdom; whereas had it been preached in some obscure country town, 'twould have hardly been taken notice of: in the third place it had been preached before the Lord Mayor and Court of Aldermen of the city of *London*, and so far approv'd of by them, or some of them, as to be commanded to be printed; for which reason what he had preached had done more mischief than otherwise 'twould have done, there having been about forty thousand printed to vilify the revolution, on which depended the security of the protestant religion both at home and abroad, and the succession of the crown in the protestant Line, the union of the two kingdoms, the queen's bounty to the poor clergy, and several other benefits enjoy'd by the revolution, and amongst others, that her majesty had been, and still was so peaceably possess'd of the Crown.

For if the force before the revolution, which suppressed her majesty's hereditary right to the crown, had not been removed by the revolution, as it had been, her majesty's title would never have been able to have exerted itself, and if ever the doctor, or any of his accomplices, should ever be able to shock the revolution, as to remove what had been built upon it, he doubted that
force

force which the revolution removed would return again, and oppress the queen's title to the crown, as it had done before.

He concluded saying, he could not pass by the doctor's answer to the articles, without taking notice of one passage in the same, viz. *Hard is the lot of the ministers of the gospel, if when they cite the word of God in their general exhortations to piety and virtue, the several texts by them cited should be said to be by them meant of particular persons and things.*

That he must submit to their lordships judgment the unreasonableness of that complaint, and whether the several texts and passages cited by him in his sermon could bear any other construction than what had been made, and whether it were not the duty of the preacher to deliver himself so in the pulpit, that his meaning should not be doubtful to his congregation.

That the commons of Great Britain did not go about to make him assent or swear to what the supreme power had determined, though the doctor in his sermon had thought fit to impose matters of that kind upon other persons, so as to make them swear to them; no, the commons of Great Britain would only have him restrained from publish-

ing any thing, and especially in the pulpit, which reflected upon the supreme power, or what they had or should determine, which even the nicest conscience had never yet bogled at.

That he could add more aggravations of the doctor's crimes, but would forbear to do it, rather following the example of the commons of Great Britain, who had indeed demanded judgment against that person of their lordships, but had done it in mercy, for they might have charged those matters against the doctor as high-treason, and so it had been in indictments against some divines in a reign known to their lordships, for matters in their sermons less heinous than those for which he was then impeached; yet the commons had called the matters of that impeachment only high crimes and misdemeanours, and it was a rule in our law, that the court in which a prosecution was had, could not call the crimes greater than what the prosecutor thought fit to charge them, and could not adjudge a greater punishment to the crimes than usual, but in some cases might lessen the punishment for such crimes; and whatsoever censure their lordships should pass upon that criminal, the commons of England would acquiesce in, and be well satisfied with the same.

The

The next manager was lieutenant general *Stanhope*, the purport of whose speech was, That the gentlemen who had spoke before him to that article, said so much, that they had left little to him who was last in it. He should therefore particularly apply himself to make out to their lordships, that as the prisoner at the bar was guilty of the matter charged in that first article, so he had done it (as the preamble of the articles did set forth) with a wicked and malicious intention to undermine and subvert her majesty's government, and the Protestant succession as by law established; to defame her majesty's administration; to asperse the memory of his late majesty; and to traduce and condemn the late happy revolution: as in the same preamble to the articles it was charged against him.

If it were true, (as their lordships had been told by most of the gentlemen who went before him) that non-resistance, asserted in general terms, did destroy the foundation of the revolution, the present establishment, and her majesty's title to the crown, and the settlement of the Protestant succession; if that were true, it was as true, that the doctor, who has advanced that doctrine in general terms, was guilty of that charge of intending to subvert the government: And then their lordships ought to proceed against him, as an enemy to the government.

That what had been said by the gentlemen that spoke before him concerning the doctrine of non-resistance, had been said with so much regard to truth, to her majesty and her government, that he was persuaded nothing that had been said on that subject, could justly be misconstrued. But on the contrary, to assert in general terms the absolute illegality of resistance, on any pretence whatsoever, (as that doctor and all the professed enemies of the government avowedly did) must be understood by all impartial and thinking people to overthrow her majesty's title and government: since at the same time that they screen'd themselves under the specious notion of professing absolute and passive obedience to the supreme powers, they could not conceal their true meaning; that the true and real object of their darling doctrines, such as *Jus Divinum*; *non-resistance*; *the undefeasible, unalienable hereditary right*, that (he said) the true object of those doctrines was a prince on the other side the water. They could not otherways be consistent with themselves. For in the same breath, in the same discourse, to preach passive unlimited obedience to magistrates, and to revile and defame the magistrates; to preach non-resistance on any pretence whatsoever; and to encourage sedition by inveighing in the strongest manner against the administration; those were

were such contradictions, as could no otherwise be reconciled, no otherwise than by concluding, what was very plain from their conduct, that however they were pleased to colour and disguise their discourses, their true end was only to disengage and alienate the peoples affections from their present governors; to insinuate to them that the foundation of the revolution was wrong; that the revolution itself was an usurpation; that whatever had been built upon that foundation, could have no weight; and to misrepresent those who had a hand in it, as rebels and traitors.

As to the doctrine itself of absolute non-resistance, it seem'd needless to prove by arguments, that it was consistent with the law of reason, with the law of nature, and with the practice of all ages and countries.

Nor was it very material that the opinions of some particular divines, or even the doctrine generally preached in some particular reigns, might have been concerning it. It was sufficient to know what the practice of the church of *England* had been, when it found itself oppress'd.

And indeed there lay an appeal to the practice of all churches, of all states, and of all nations in the world, how they behaved them-

selves when they found their civil and religious constitutions invaded and oppressed by tyranny: he believed one might farther venture to say, that there was not at that time, any nation or government in the world, whose first original had not receiv'd its foundation, either from resistance or compact. And as to their purpose, it was equal, if the latter were admitted. For wherever compact was committed, there could not but be admitted likewise a right to defend the rights accruing by such compact.

To argue the municipal laws of a country in this case, was idle. Those laws being only made for the common course of things; and could never be understood to have been design'd to defeat the end of all laws whatsoever: which would be the consequence of a nation's tamely submitting to a violation of all their divine and human rights.

That there was a latitude left to the subjects in such a case, had been allow'd by the most strenuous advocates of passive obedience: and he would on that occasion quote to their lordships, the sermons of a reverend divine, who, he was sure, was not thought a favourer of antimonarchical principles, nor to deserve any of those pretty epithets, which the doctor so liberally bestow'd on those who differ'd from him in opinion. It was Dr. *Alterbury's*

bury's Latin sermon preached to the convocation.

The scope and drift of that discourse had been to preach up absolute obedience, yet such was the invincible force of truth, and such the nature of that argument, that the doctor, not to betray his own conscience, after having well thought upon it, was obliged to express himself much after the following manner: *But when, and upon what causes it may be lawful to oppose the Power of the Prince, and assert our liberties, the scriptures do not say; unless in cases when men shall command things contrary to the laws of God. When that shall happen, St. Peter tells us what we must do, We must obey God before men.*

To apply this to the present argument, he appealed to the memory of their lordships, whether king *James* had not commanded things contrary to the laws of God; whether his commands to the reverend fathers of the church had been consonant to the law of God; whether his commands to execute a dispensing Power; whether his commands to all such of both houses, as he could influence to vote for a dispensing Power, contrary to their own consciences, had been agreeable to the law of God; or, in short, whether the whole course of his reign had not been a series of illegal commands, calculated to

destroy their holy religion, and to violate all their religious and civil rights.

Their lordships had thought so; the commons thought so; and the nation thought so; and in consequence of that doctrine, preached by *St. Peter*, they had chosen to obey God before men.

But returning to Dr. *Atterbury's* sermon, it went on (as we have translated it) thus:

But in such cases you must advise with the lawyers, and those learned in Politicks; and have recourse to the laws and constitutions peculiar to each several country, as to the springs and fountains of this knowledge.

In Compliance to what was recommended by their reverend dean, he said, he had endeavoured to follow his advice, to consult with those learned in the laws of nations and politicks.

He had heard that *Grotius* was of a good authority on those subjects as any that had writ about them; that he had even been a favourer of monarchy, and held in great repute amongst the divines of their church: He should therefore beg leave, out of the many passages to be found in his excellent treatise *de Jure Belli & Pacis*, which supported

ported that argument, to quote only one, for the saving of their lordships time. Which is translated thus :

If the king has one part of the supreme power, and that the other part is in the senate, or people, when such a king shall invade that part that does not belong to him, it shall be lawful to oppose a just force to him, because his power does not extend so far : Which position I hold to be true, even though the power of making war should be vested only in the king ; which must be understood to relate only to foreign war : For as for home, it is impossible for any to have a share of the supreme power, and not to have likewise a right to defend that share.

This passage, he said, was exactly adapted to the constitution of *England*, and the latter part of it perfectly agreeable to what he had always heard quoted as a maxim of the law, *That wherever there is a right, there is a remedy.*

That their lordships had rights, no body would presume to deny ; that the commons had rights, no body would deny ; that every subject of *Britain* has rights, no body will deny.

Then to say, when a prince should invade all the rights at once, to say that the whole collective body of the nation had no way to vindicate

those rights, was so inconsistent, so contrary to reason, that it was to be wondered it could ever enter into the mind of man.

Were it not for fear of tiring their lordships, he said, he might, from many passages out of *Fortescue*, and *Mr. Hooker*, evince beyond contradiction that the constitution of *England* was founded upon compact ; and that the subjects of the kingdom have in their publick and private capacities, as legal a title to what were their rights by law, as a prince to the possession of his crown.

That their lordships, and most that heard him, were witnesses, and must remember the necessities of those times which brought about the revolution : That no other remedy had been left to preserve their religion and liberties ; that that resistance had been necessary, and consequently just.

It had been then by no good man thought a black and odious crime to take up arms for the defence of his country. Many of your lordships had been actors in that resistance.

The greatest part of the nation had either actually resisted, or countenanced, abetted, and supported those who set them the glorious example.

He

He hoped they had all so much gratitude to the best and greatest of queens, as to retain for ever a grateful memory, how great a share her majesty had in promoting that revolution.

When those facts were so fresh in their memories; what must they say to those who gave the injurious names and epithets of Republicans, of enemies and traitors to church and state, to those who had been concerned in that resistance which brought about the revolution? sure it might have become them to consider who had been concerned, and who had a share in it.

It was not only traducing the late king and queen, our glorious deliverers; it went yet further: but he would out of respect forbear to mention what they not only thought, but have frequently the insolence to own.

If it were true that the doctrine of non-resistance asserted in so unlimited a sense, as not to except the revolution, did certainly sap the foundation of the said revolution, and the present establishment which was built upon it; if it were true that to arraign, as guilty of black and odious crimes, all such as had been concerned in the resistance at the revolution, did involve the greatest part of the nation in the guilt of rebellion and treason; if it

necessary followed, from the same Positions, that their allegiance was not due to the present government; he thought they might as necessary conclude, that the doctor's sermon then before their lordships, did tends, as was set forth in the preamble of the impeachment, to undermine and subvert her majesty's government, and the Protestant succession, which stood on the same foundation.

If the doctor had in that sermon only preached up obedience to the supreme Power, as a Christian duty, without meddling with Politicks, he might have been allowed perhaps to have pleaded for excuse, that he was ignorant of the consequences that might be reduced from such general Propositions; that his only aim had been Charity, Peace, and Submission to the Magistrates in being.

Their lordships must therefore be prayed to compare one part of his sermon with the other: And he was persuaded they would then be of opinion with him, not only that the conclusion drawn from his Positions, did necessary flow from them, but that the doctor himself must have been conscious of it, and consequently that what he had done, must have been, as set forth in the charge, *with a wicked and malicious intention.*

For

For had the doctor, in the remaining of his sermon, preached up Peace, Quietness, and the like; and shewn how happy the subjects were under her majesty's administration; and exhorted obedience to it; he had never been called to answer a charge at their lordships bar.

But the tenor of all his subsequent discourse, was one continued invective against the government. Passive-obedience was set down as an indispensable duty: But it was evident, by the whole sermon, that it was not due to queen *Anne*, or her administration. Then what could that be, but to usher in a *rightful title* (he thought they called it) of one on the other side the water?

That there was such an affinity between the sermon, and the doctrines preached and propagated by a certain set of men, that he could not but observe to their lordships on that occasion, how industrious they had been ever since the revolution, to prepare a way for another.

They were the pure and undefiled church of *England*! The only men of loyal and steady Principles! They never had taken the oaths to the government; never bent their knee to *Baal*! They had their own Archbishops, Bishops, and Pastors, and constituted the only true and pure church of *England*! The rest

were schismatics, that is, all the rest of *England* were schismatics, hereticks, and rebels! He therefore desired to know what were the peculiar and distinguishing characteristics, the favourite and darling tenets of those men?

What else but *Passive-obedience, Jus Divinum*, an hereditary, indefeasible right of succession, which no necessity, no act of parliament, no Prescription of time, no natural or legal incapacity, could ever invalidate or set aside? If they were in the right, (said he) what were the consequences? The queen was not queen: Their lordships were no house of lords, for they were not duly summoned by a legal writ; they themselves were no house of commons, for the same reason: All the taxes raised for twenty years past had been arbitrary and illegal extortions: All the blood of so many brave men, who had died (as they thought) in the service of their country, had been spilt in defence of an usurpation; and they were only so many rebels and traitors.

If those *Puritans*, (so he thought he might call them) those undefiled pure church-men, would confine themselves to their own conventicles, to get money from a few deluded women; it might perhaps be consistent with the indulgence of the mildest of governments, to

suffer them to enjoy the benefit of that toleration, which was allowed to Protestant dissenters, how pernicious and destructive soever to the Publick their Principles might be.

But when they came and vented their treasons abroad; when they occasionally conformed, and took the oaths to the government, in order the better to destroy it; when they abjured the Pretended Prince of *Wales*, but did not forget him; when they invaded the Pulpits of the true church of *England*; when the Pulpit of the metropolis, instead of teaching the People to pay their anniversary tribute of Praise and Thanks to Almighty God for the many wonderful successes with which he had blessed those arms which were taken up in defence of the revolution: When (he said) that Pulpit was prostituted and polluted by venting sedition against the best of queens; it was high time for their lordships to animadvert upon it, for the honour of those glorious Princes who were dead, for the honour of her majesty, who so happily ruled over them, and for the Peace and Tranquility of all her subjects.

Were he not afraid of being thought too tedious to their lordships, he would have offered to them a few words, concerning that administration which the doctor had so maliciously defamed; for as fond as that

gentleman, and those like him, were of meddling with politicks in the pulpit, and, as himself expressed it, of setting the People right in their Principles; he did not find they ever taught what the ends of government truly were.

He told the lords, that Tully, who took it from Aristotle, stated the ultimate end of government, and the mark which rulers ought to aim at, to be Otium cum Dignitate, or peace with reputation. That towards attaining that end, he enumerated the several particulars which the greatest application and vigilance of good governors is required to promote and maintain.

And the chief branches, as he stated them, were religion; the just and legal powers and rights of the legislative, and of the magistrates subordinate to that; a due administration of justice; the publick treasure and credit; military virtue; and concluded with Laus Publica; which indeed was the result of a good administration of the several branches mentioned. For praise both at home and abroad could never fail to attend good management.

If then any man would but reflect on every one of those particulars, and instance when in any age a more universally glorious administration in this island, he would allow what the doctor said to be true.

To

To begin with religion, any one might look upon that reverend bench, and say when it had been ever filled with greater examples of piety, learning, and christian charity. That truly christian moderation, and extensive zeal and charity to the protestant religion, would in all human probability (if little animosities did not obstruct it) raise the lustre and reputation of the church to such a degree, that as the glory of its arms just intitled the nation at that time to hold the first rank, so should the church be looked upon as the mother of all the reformed churches in Europe.

As to the just rights and Powers of the legislative, their lordships, and all of them knew, whether ever any Prince on the throne, had a more tender concern for them than her Majesty, or whether at any time there had been a more due and impartial administration of Justice.

For the treasure and credit of the nation, he appear'd to all that heard him, whether ever such large sums had been more chearfully given, or more justly administred. There never having been greater demands than during that necessary War; nor ever demands more freely comply'd with by the People. Such was the confidence they had in the publick management, and so infellectual that Doctor, and his bre-

thren's sounding a trumpet to sedition.

As for their arms, and reputation; the many unparallel'd successes, during her majesty's Reign, by sea and land, spoke sufficiently, and did sufficiently proclaim, that her majesty had far exceeded all her Predecessors. That the *Henries* and *Edwards* had justly left behind them immortal fame, for having broke and subdu'd, in their times, the power of *France*. And queen *Elizabeth* would be ever glorious for having humbled the pride of *Spain*.

That those two great monarchies had each in their turn aim'd at the universal monarchy of *Europe*, and each had been near compassing it, notwithstanding that the one always oppos'd the other. But it could never be imagined, that if they once became united, any force in *Europe* could have disputed with them. Yet they had lived to see those two formidable Powers united, and threatening destruction to all the liberties of *Europe*. It was a task reserved for her majesty to encounter that united force. She had attacked, and reduced them to sue for Peace; and they were then perhaps at that very decisive period of time, when they were to reap the fruits of a long and expensive war, by the conclusion of a solid and lasting Peace.

At

At such a critical juncture, added the major-general, at a time when it behoved him more than ever to preserve that union amongst us at home, upon which the union of the whole alliance did so much depend, upon which the happy conclusion of the war, and consequently the safety and honour of the church and state did depend; what had that pious son of the church, that loyal subject, that passive-obedience gentleman done? He was preaching to the city of *London*, from whence the greatest part of the supplies granted for carrying on the war were to be received.

Had he said one Word more to them to promote, and carry on the Publick Good? No, he had to the utmost of his ability, endeavoured to create in them groundless mistrusts and jealousies of the administration. And Mr. *Stanhope* appeal'd to the conscience of every one that heard him, and desired that laying their hand upon their heart, they would truly determine within themselves, whether, if those citizens who heard that sermon had been byass'd by it, one Penny of money could have been expected from them to support a government which was represented so odious. But those honest citizens heard that trumpeter of sedition with indignation. Their affection to the government was not to be shaken. Her Majesty was ab-

solute in the hearts of her subjects; which was the best way of being absolute: and all the artificial suggestions of those *False Brethren* (to use the doctor's own language) would never lessen their affections to her.

Yet, how impotent and weak soever the malice of those men might prove, when such doctrines were broached, and publicly preached, as tended to inflame a free nation, to foment divisions and Parties, to seduce the subjects from their allegiance to the best of Princes; it became the house of commons, who were guardians of the constitution and liberties of the People, to bring such delinquents to justice; and it would become their lordships, who were guardians of the constitution of the people, to prevent the growing of such an Evil. That man, he said, was an inconsiderable tool of a Party; no ways worth the trouble they had given their lordships: but they looked upon it that their lordships judgment in that case, would be giving a sanction which should determine what doctrines of that kind should or should not be preached. They were therefore persuaded that their lordships in giving judgment on that case, would have a regard to the honour of the late king and queen, so highly aspers'd; to the security of her majesty and her government; to the protestant succession; to the preservation

servation of the peace at home, and reputation Abroad; where if it should be heard that they had Men, amongst them, insolent enough to vent such notions, they might likewise hear that it had not been done with Impunity. For all those reasons, they hop'd, That their lordships would inflict such condign punishment on that offender, as might deter others from the like insolence for the future.

So much having been spoken to the first Article, Sir *Peter King* began to make out the Second: That, the Gentlemen who had gone before having finished the Article of the Impeachment, by command of the house of Commons, he proceeded to make out the second, which related to the Toleration, one of the principal consequences of the Revolution.

That it is well known how great Severities had been formerly us'd against Protestant dissenters, being fomented by Popish practices, in order to divide the Nation, and thereby weaken the common Protestant interest, particularly that of the Church of *England*: Which the whole Church of *England* plainly saw in the Reign of the late King *James*, when popery was coming in like a Flood, and threatned an universal Ruin; and then they had universally professed their readiness and intention to show all manner of

tenderness to other Protestants, when it should be in their Power to do it.

That the seven Bishops, who, to their everlasting honour made so noble a stand for the Liberties of the Church and Kingdom, had in their petition to King *James* declar'd, that their not reading the declaration for liberty of conscience was not from any want of due tenderness to the Dissenters, in relation to whom they were willing to come to such a temper as should be thought fit, when that Matter should be considered and settled in Parliament and Convocation.

And to the Glory of the Church of *England*, it ought to be remembered, that when the Revolution was afterwards effected, they had been as good as their Word, and an Act pass'd, in the very first year of their late Majesties king *William* and *Mary*, intituled, *An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of England from the Penalties of certain Laws*. And that was the Act commonly call'd, *The Act of Toleration*, and had been confirm'd by another Act made in the succeeding parliament.

As that Act was agreeable in itself to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of *England*,

so it had been found by experience so much for the honour of the kingdom, and for the credit of the Church, that her Majesty had been pleas'd to declare from the Throne, her intention inviolably to maintain it, and both houses of Parliament had done the same in the most solemn Manner.

The Duke of Buckingham now moving the Lords to adjourn to their own House, they did so; being returned to the Court and Proclamation commanding Silence made;

The Lord-Chancellor told the managers for the house of Commons, they might proceed in the method they were in.

And Sir Peter King went on with his discourse to the lords, telling them, That the act of parliament he was mentioning to them, was the act relating to the Toleration, referr'd to in the Preamble to the articles; that their lordships, and every one else, remember'd the necessity there had been for that act, and having experienc'd the benefit of it, her Majesty and both houses of Parliament had concurr'd in a declaration, that the said act should be inviolably observ'd: That being then not only a positive law, but also a beneficial one, as well for the benefit of the church in particular, as the welfare and support of

the Protestant interest in general, it very ill became any private person to endeavour to bring that law, by any publick discourse, into contempt or dispute.

That the article the Doctor was charg'd with, in relation thereto, was, *That he suggested and maintain'd, That the toleration granted by law, was unreasonable, and the allowance of it unwarrantable; and asserted, that he was a false brother, with relation to God, religion, and the church, who defended toleration and liberty of conscience; that queen Elizabeth had been deluded by archbishop Grindall, whom the said Doctor scurrilously call'd a false son of the church, and perfidious prelate, to the toleration of the Genevian discipline; and that it was the duty of superior pastors to thunder out their ecclesiastical anathema's against persons intitl'd to the benefit of the said toleration, and insolently dar'd and defy'd any power on earth to reverse such sentences.*

That the first part of that article, which was the principal part, contained a general charge against the Doctor, for affirming and maintaining, *That the toleration granted by law was unreasonable, and the allowance of it unwarrantable.*

The rest of the article consisted of particular passages, taken out of his sermon, tending to make good and

and prove that general charge.

As to the general charge contain'd in the first part of that article, of his maintaining the toleration granted by law to be unreasonable, and the allowance of it unwarrantable: His answer was very observable, and was, That upon the most diligent enquiry he had been able to inform himself that a toleration had been granted by law; but admitted, that an act in the first year of king *William* and queen *Mary*, intituled, *An act for exempting their Majesties protestant subjects, dissenting from the church of England, from the penalties of certain laws.*

Which exemption, he said, he did not any where maintain to be unreasonable, or the allowance of it unwarrantable; but hoped that he had prevented any such misapprehension, by declaring, in his sermon preached at *St. Paul's*, that he intended not to cast the least invidious reflection upon that indulgence which the Government had given.

That it was almost difficult to be serious in given a reply to that part of his answer, That he could not inform himself that a toleration had been granted by law: It was true, the word toleration was mentioned in that act, neither was the word indulgence to be found in that law;

but every body knew that the exemption granted by that act was commonly call'd *the toleration*, and the act it self, *the toleration act*: And what was the intent of that act, but to tolerate and allow persons, qualified by that act, to exercise their religion, notwithstanding penal laws to the contrary.

That toleration was really a word of less import than indulgence, it was a brave permission, and allowance; and that word had gain'd such a known and fix'd notion and signification in every ones mind, that whenever it was mentioned, there was not any doubt what was meant by it: It was then become a word of art, that not only in common conversation, but even in the most publick acts of state, the exemption granted by the Act made in the first of king *William* and queen *Mary* was called *the toleration*: Had not her Majesty, in her speech to both houses of parliament from the throne, in the year 1705, declar'd that she would always inviolably maintain *the toleration*? Had not both houses of parliament, in their several addresses to her majesty for that most gracious speech, express'd their deep satisfaction of her majesty's resolution to maintain *the toleration*? In the free conferences between the lords and commons about the bill for preventing occasional conformity, in the Year 1702, was not that act of the first of

of *William and Mary*, call'd the *act of toleration*, and the exemption granted by that act call'd the *toleration*? So that it seem'd strange the Doctor should not know that a toleration had been granted by law; and it was more strange yet, when he himself, in that very sermon, call'd the indulgence granted by that act, the *Toleration*.

That in the 14th page of his sermon, where he was complaining of false brethren in the kingdom, who were permitted and suffer'd to combine into bodies and seminaries, wherein atheism, deism, tritheism, and socinianism, and many other wicked principles were taught; he concluded thus, *Certainly the toleration was never intended to indulge and cherish such monsters and vipers in our Bosom.*

Then what was it possible for the Doctor to mean in that place, by the *toleration* but the indulgence, as he called it, granted to the Dissenters by the Act of 1 *Gul. & Mar.*

And in the 19th page of his sermon, speaking of the Dissenters, the Doctor said, *Now they have advanced themselves, from the religious liberty our gracious sovereign has indulged them, to claim a civil right, as they term it, and to jostle the church out of her establishment, by hoisting their toleration into its place: What could he possibly mean here*

by those words, but that toleration, or that indulgence, which had been granted in the time of the late king and queen to the Dissenters? So that it was plain, that when he made, and preach'd, and publish'd that sermon, he knew very well, that the indulgence granted by the law made in the first of king *William* and queen *Mary*, was commonly call'd the *toleration*; and that toleration, granted by that law, was that which the commons in their impeachment said, he maintain'd to be unreasonable, and the allowance of it unwarrantable; and that was what he had been to make out and prove.

Yet he must do the Doctor Justice to own, that page 20 of his sermon preached at *St. Paul's*, he us'd these words, referr'd to by him in his answer, viz, *I would not here be misunderstood, as if I intended to cast the least invidious reflection upon that indulgence the government has condescended to give them, which I am sure all those that wish well to our church are very ready to grant to consciences truly scrupulous; let them enjoy it in the full limits the law has prescribed.*

That the Doctor, by putting in that caution, seem'd himself to be apprehensive, his words were otherwise in danger to be esteem'd a reflection upon that indulgence or toleration the government had given; having

having just before commended the severities that were us'd in the reign of queen *Elizabeth* against the Dissenters, which could not be spoken in commendation of the toleration, but would reasonably be understood to be a commendation of it, because it removed and took away those severities, he then subjoined the forementioned passage; which dry caution would not excuse the Doctor, if in the other parts of his sermon he did visibly and plainly condemn the toleration, and censure it as unreasonable, and the allowance of it unwarrantable; which that the Doctor did, he should endeavour to prove from other direct and formal Passages in his said sermon.

That the first passage he should cite to that purpose was in the 10th page of the sermon, and in these words; *So that, in all those Cases before mentioned, whosoever presumes to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be arraigned as a Traytor to our state; heterodoxy in the doctrines of the one, naturally producing, and almost necessarily inferring rebellion and high-treason in the other, and consequently a crime that concerns the civil magistrate, as much to punish, and restrain, as the ecclesiastical.*

Sir Peter said, the beginning of that passage was tried up to the cases

before-mention'd, *so that in all those Cases before-mention'd*, which being a term of relation, must be expounded in reference to what went before.

Which passage was contained in his second head of false brethren, of those who were false brethren with relation to the state, government, or society of which they were members; and on perusal thereof, he did not find any one article of the church before-mention'd under that head, to which those relative terms did refer; for all that he said before under that head was, *That the constitutions of most governments differing according to their several frames, and laws, upon which they were built and founded, it was impossible to lay down any one universal rule, as the scheme and measure of obedience, that might square to every one of them: Only this Maxim in general he presumed might be establish'd for the safety, tranquillity and support of all governments, That no innovation whatsoever should be allowed in the fundamental constitution of any state, without a very pressing, nay, unavoidable necessity for it; and whosoever singly or in a private capacity should attempt it, was guilty of the highest misdemeanour, and an enemy to that politick body of which he was a member.*

And then the Doctor apply'd that maxim to the *English* government, saying,

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saying, *Our constitution both in church and state has been so admirably contrived, with that wisdom, weight, and sagacity, and the temper, and genius of each so exactly suited, and modell'd to the mutual support and assistance of one another, that 'tis hard to say, whether the doctrines of the church of England contribute more to authorize and enforce our civil laws, or our laws to maintain and defend the doctrines of our Church.*

The natures of both are so nicely correspondent, and so happily intermixt, that 'tis almost impossible to offer a Violation to the one, without breaking in upon the body of the other: So that in all those cases before-mention'd, whosoever presumes to alter, innovate, or misrepresent any point in the articles of the faith of our church, ought to be arraigned as a traitor to our state, &c.

Sir Peter told their lordships he had read that whole paragraph to shew, that the cases said to be before-mentioned, were not contain'd in that head of the sermon, but were plainly contained in a former paragraph, viz. In his first head of false brethren, with relation to God, religion, and the church in which they held communion; under which head the Doctor entered into a long description of such kind of false brethren, and enumerated several articles and rites of the church, the disbelievers or deniers

whereof were termed false brethren; and amongst other of his Characters, in p. 8. he branded him for being false to the interest of the church, who gave up any point of her discipline and worship; those being the exterior fences to guard the internals of religion, without which they were left naked, without beauty, order, or defence; and should any man out of ignorance, or prejudice to the ancient rights and essential constitution of the catholic church, affirm, *That the divine apostolical institution of episcopacy was a novel doctrine, not sufficiently warranted by scripture, and that it was indifferent whether the church were governed by bishops or presbyters:* Were not such an one an Apostate from his own orders? So that one of the before-mention'd cases of false brotherhood was, the affirming that the divine apostolical institution of episcopacy was a novel doctrine, not sufficiently warranted by scripture, and that it was indifferent whether the church were govern'd by bishops or presbyters.

This Sir Peter declar'd was affirm'd and held by all the dissenters; and tho' they should be mistaken in their opinions, yet still it was their opinion, and they were notwithstanding tolerated, and exempted by the toleration act from subscribing the sixth and thirtieth article, that the book of consecration of archbishops and bishops, and of the or-
bishops

dination of priests and deacons, set forth in the times of King *Edward* the sixth, contain'd in all things necessary to their consecration and ordination, and had nothing in it either superstitious or impious; and yet notwithstanding that innovation or alteration of the said article of the church by the dissenters, the law did nevertheless tolerate and indulge them.

But the Doctor was of another opinion, and affirm'd, That whoever innovated, alter'd, or misrepresented that point in the articles of the faith of the church, ought to be arraign'd as a traitor to the state, and ought to be punish'd as well by the temporal, as the ecclesiastical magistrate; for he went on, and carry'd it yet a great deal further, by the reason he gave for his assertion, which was, *Heterodoxy in the doctrines of the one, naturally producing and almost necessarily inferring, rebellion and high-treason in the other; and consequently a crime that concern'd the civil magistrate, as much to punish and restrain, as the ecclesiastical.* This Sir *Peter* said was an assertion to the purpose; that heterodoxy, that is, the holding a different opinion from any article of the faith of the church, did naturally produce, and almost necessarily infer rebellion and high-treason in the state, and consequently a crime that concern'd the civil magistrate to punish, as well as the ecclesiastical. Yet the

Doctor himself, in the immediate subsequent words, did own, That this assertion at first view might look like an high-flown paradox, and Sir *Peter* believ'd it would still appear to be so upon a review. That whoever was of a different, or other opinion, in any of the articles of the faith of the church, was guilty of high-treason, and the temporal as well as the spiritual Magistrate, ought to punish him as a traitor for it. That the articles of the church were in number thirty nine; some of the dissenters were by the act of toleration exempted from subscribing three and a half of them, *viz.* The 34th article, relating to the traditions and ceremonies of the church, and the power of the church to ordain, change, and abolish ceremonies and rites: The 35th article, concerning the book of homilies, and reading of them in Churches: The 36th article, concerning the consecration of archbishops and bishops, and the ordination of priests and deacons; and the former part of the 20th article, which asserts the power of the church to decree rights and ceremonies, and authority in controversies of faith. That other dissenters, who scruple the baptizing of infants, were also exempted from subscribing that part of the 27th article which relates to infant baptism; and the quakers were exempted from subscribing any of the articles,

cles, and only required to subscribe a short declaration of the Trinity, and that the Scriptures were given by divine inspiration. That all those several sorts of dissenters, notwithstanding their heterodoxy in those points, were exempted by the toleration act from the penalties of the former laws, and were by that act preserv'd in the free exercise of their religion or worship; and not only the penalties inflicted on them by former laws were taken away, but several immunities and privileges given them, as an exemption of their Teachers from parish offices, and a penalty for disturbing their congregations: When so much was establish'd by a law, and that act of toleration in full force, for the doctor nevertheless to affirm, that heterodoxy, or a different opinion from any of the articles of faith of the church, almost necessarily inferr'd rebellion and high-treason in the state, and was a crime that concerned the civil magistrate to punish, as well as the ecclesiastical; what could be a more direct breaking in upon, and disavowing of the toleration than that? was it to maintain the toleration granted by law to be unreasonable, and the allowance of it unwarrantable?

That another passage that he should cite to prove the general charge against the Doctor, was in the 16th and 17th pages of the sermon, *What could not be gain'd by comprehension and toleration, must be*

brought about by moderation and occasional conformity; that is, what they could not do by open violence, they will not fail by secret treachery to accomplish. If the church can't be pull'd down, it may be blown up; and no matter with these men how 'tis destroy'd, so that it is destroy'd. Where the Doctor was speaking of the great mischiefs and perils of his false brethren to the church, and to prevent any mistaken notions of the church, he intimated, That the true genuine notion of it was to be understood, as it appear'd contradistinguish'd in its establish'd doctrine, discipline and worship, from all other churches and schismatics, who would obtrude upon the world a wild negative idea of a national church, so as to incorporate themselves into the body as true members of it; whereas that latitudinarian heterogeneous mixture would render it the most absurd, contradictory, and self-inconsistent body in the world: And from thence he proceeded to show that the design of a comprehension had miscarry'd, and the long projected scheme of the ecclesiastical Achitophel's been blasted; and added these words, But since this model of universal liberty and coalition fail'd, and these false brethren could not carry the conventicle into the church, they are now resolv'd to bring the church into the conventicle, which will plausibly and sily effect her ruin. And how is that to be done? Why, What could not be gain'd by comprehension and toleration.

toleration, must be brought about by moderation and conformity; that is, what they could not do by open violence, they would not fail by secret treachery to accomplish; if the church can't be pull'd down by comprehension and toleration, it may be blown up by occasional conformity and moderation; and no matter with these men how 'tis destroyed, so that 'tis destroyed. Sir Peter puts the question, Whether this be not calling the toleration an open violence to the church? An attempt made to destroy the church, tho' the church it self came into, and settled that toleration? He said, the legislature in the time of their late majesties king William and queen Mary, and particularly the bishops, the fathers of the church, were very well satisfied that the toleration granted to the dissenters, was no way prejudicial to the safety and security of the church. And therefore for the Doctor to say, that toleration was intended to pull down the church, and that it was an open violence to the church, was to maintain, that the toleration was unreasonable, and the allowance of it unwarrantable?

He told their lordships, That those passages he had cited to them, did prove the general charge of that article: But there were other passages in the sermon, particularly referred to in the article, which likewise proved that general charge, to which

he should next proceed. And,

The next part of the charge in the second article was, That he asserted, that he was a false brother with relation to God, religion, or the church, who defended toleration and liberty of conscience.

Which words were contain'd in so many express terms in the 8th p. of his sermon, where after he had copiously describ'd his false brethren, he came to sum up the whole in these words; If upon all occasions to comply with the dissenters both in publick and private affairs, as persons of tender conscience and piety, to promote their interests in elections, to sneak to 'em for places and preferment, to defend toleration, and liberty of conscience, and under the pretence of moderation to excuse their separation, and lay the fault upon the true sons of the church for carrying matters too high; if to court the Fanaticks in private, and to bear them with patience, if not approbation, rail at and blaspheme the church, and upon occasion to justify the king's murder; if to flatter both the dead and the living in their vices, and to tell the world, that if they have wit and money enough, they need no repentance, and that only fools and beggars can be damned; If these, I say, are the mad and fashionable Criterions of a true church-man, God deliver us all from such false Brethren!

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Thus

Thus one mark of those false brethren, in that part of his Sermon, was to defend toleration and liberty of conscience. As to which the Doctor had given two answers, one by way of inference or presumption, and the other direct: That by way of inference was, *That he having so plainly declar'd himself in favour of the exemption granted by law, when he blam'd those who upon all occasions defended toleration and liberty of conscience, he could not be thought to reflect on the defenders of that legal exemption or indulgence, which he himself approv'd and defended.*

If he had not in other parts of his sermon condemn'd the toleration expressly, that might have pass'd for an answer; but if the Doctor had more than once in other parts of his Sermon directly inveighed against that toleration, then his meaning was more naturally to be understood by so many several passages, than by one single sentence, and with what view thrown in, the reading of the sermon would plainly shew; and therefore the true way to come at the true meaning of his words, was to take them as they stood in his sermon, and that was what their lordships would judge by.

In the next place he gave a direct answer to that part of the charge, which was, *that he did not mean by that*

description of a false brother, those who only defended toleration and liberty of conscience, and do no more, but he only blam'd those who upon all occasions defended toleration and liberty of conscience, and, to excuse their separation, laid the fault upon the true sons of the church for carrying matters so high; so that I don't reckon him, said he, as a false brother who bravely defends toleration and liberty of conscience, except that at the same time that he is defending toleration, he lays the fault of the separation upon the true Sons of the church for carrying matters too high.

Sir Peter said, He submitted to their lordships, upon reading of that passage, whether it was capable of such an interpretation: Which if look'd into, it would appear that the several particular characters there mentioned were all of them so many particular marks of a false Brother; for it was not necessary two, or three, or all of them should meet together in one person to make up the character of a false brother; but if any one of them were found in any person, 'twas sufficient to characterize him a false brother: Whoever was guilty of any one of those acts, of which defending toleration was one, was a false brother; and his asserting the defending the toleration to be a mark of a false brother, was an evident declaration against the justice and expediency of the toleration.

That

That the next particular charge upon him in that article was for ascertaining, *That Queen Elizabeth had been deluded by archbishop Grindall, whom he scurrilously call'd a false son of the church, and a perfidious prelate to the toleration of the Genevian discipline.* Which charge upon him was founded on the words of his sermon, in the 19th page; which are these: *Have they not, ever since their first unhappy plantation in this kingdom, by the intercession of that false son of the church, bishop Grindall, always improv'd, and rise upon their demands in the permission of the government? Insomuch that queen Elizabeth, who was deluded by that perfidious prelate to the toleration of the Genevian discipline, found it such an headstrong and encroaching monster, that in eight years she foresaw it would endanger the monarchy, as well as the hierarchy; and like a queen of true resolution, and pious zeal for both, pronounc'd, That such were the restless spirits of that factious people, that no quiet was to be expected from them, till they were utterly suppress'd: Which, like a prudent princess, she did by wholesome severities, that the crown for many years sat easy and flourishing on her head.*

That as to that part of his charge where he said, *That Queen Elizabeth was deluded to the toleration of the Genevian discipline by archbishop Grindall,* the Doctor answered; *That he humbly conceiv'd he had*

good authority from the histories and monuments of those times for such assertion; but whether he had, or not, he humbly apprehended such assertion to be no proof of his maintaining or suggesting, That the exempting of protestant subjects, dissenting from the church of England, from the penalties of certain laws, granted by an act made in the first year of the reign of King William and Queen Mary, (which exemption he suppos'd to be intended by the legal indulgence, or toleration granted by law mention'd in the preamble of the articles, and by the toleration granted by law mentioned in the second) was unreasonable, or the allowance of it unwarrantable.

Sir Peter thought it not difficult to shew that there are some mistakes in that fact, but whether there were or no, would not be then worth spending their lordships time; for he did agree with him, That the material point was what he put it upon, whether that assertion, as printed and deliver'd by him in his sermon, were a censure or condemnation of the toleration act. And whether it were so or no, would appear by taking the whole clause together. That passage was in the 19th and 20th pages, and in that part of his sermon where he was shewing the great perils and mischiefs of his false brethren to the state, and that they were destructive to the civil rights and liberties; and

and in the puriuit of his argument he plainly shew'd that the false brethren there meant were the dissenters, who had been tolerated by that act of parliament. His words were, *These false brethren, have now advanced themselves from the religious liberty, our gracious sovereign has indulg'd them, to claim a civil right, and to juttle the church out of her establishment, by boisting their toleration into its place.*

So that 'twas plain, those false brethren there spoken of, were the dissenters, those who have the benefit of the toleration act.

And then he went on; *And to convince us what alone will satisfy them, insolently demand the repeal of the corporation and test acts, as an ecclesiastical usurpation, which indeed under her majesty (whom God long preserve for its support and comfort) is the only security the church has to depend upon; and which they have so far eluded by their abominable hypocrisy, as to have undermined her foundations, and endanger the government, by filling it with its profess'd enemies.*

These charges are so flagrant and undeniable, that a man must be very weak, or something worse, that thinks or pretends the dissenters are to be gain'd or won over by any other grants or indulgences, than by giving up our whole constitution: And he

that recedes the least tittle from it, to satisfy or ingratiate with these clamorous, insatiable and church-devouring malignants, knows not what spirit they are of, for I ought to shew who is a true member of our church.

He said, he had read those passages to their lordships, to shew that those false brethren there spoken of, were dissenters, then tolerated by the law granted to them in the time of their late majesties king *William* and queen *Mary*; and of those dissenters followed that passage: *Have they not, ever since their first unhappy plantation in this kingdom, by the intercession of that false son of the church, bishop Grindall, always improv'd, and rise upon their demands in the permission of the government? Inasmuch that queen Elizabeth, that was deluded by that perfidious prelate to the toleration of the Genevian discipline, (that is the discipline and policy of the dissenters, so call'd because brought from Geneva) found it such a headstrong and encroaching monster, that in eight years she foresaw it would endanger the monarchy, as well as the hierarchy; and, like a queen of true resolution and pious zeal for both, pronounced, That such were the restless spirits of that factious people, that no quiet was to be expected from them, till they were utterly suppressed; which, like a prudent princess she did by wholesome severities, that*
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the crown for many years sat easy and flourishing on her Head.

In this memorable passage Sir Peter told the lords, the Doctor had represented archbishop *Grindall* as a false son of the church, and a perfidious prelate, for deluding the queen into a toleration of the *Genevian* discipline. Whether that fact were true, or not, he said, was not material to their purpose; but this was, that he charg'd it as a fault on the archbishop, and for which he call'd him a false son of the church, and a perfidious prelate, for inducing the queen to give a toleration to the dissenters in those days: That the fault was not, its being a toleration only, but the fault was in the toleration it self, in consenting to a liberty to the dissenters. Now what was this in effect, but to preach to the whole world, That the parliament were in the wrong to grant a toleration to the dissenters; That the lords and commons, who consented to the toleration, were not true sons of the church, but corrupt and perfidious prelates?

That the said character of archbishop *Grindall* had been design'd for a censure of the present toleration, as would appear more fully by the contrary character he gave of queen *Elizabeth*; where he commended her resolution and pious zeal for the monarchy and hierar-

chy, in declaring that no quiet was to be expected from the restless Spirits of that factious people, till they were utterly suppress'd; which, like a prudent Princess, she did by such wholesome severities, that the crown for many years sat easy and flourishing on her head. And what could the *English* of all that be, but to inflame the Government against the dissenters? What could be said more prevalent for that purpose, than to recommend it as a noble resolution and pious zeal in queen *Elizabeth*, utterly to suppress the dissenters? and if that resolution were to be followed, the legislature ought to repeal the toleration act; and what could be said more contrary to the toleration act, than to recommend the severities us'd in queen *Elizabeth's* reign, because they were wholesome in themselves, and of happy consequence to the person and government of that renowned queen. That if there were not a necessity for it on that occasion, he would not mention what wholesome severities those had been, but rather cast a veil over that part of the reign of that great and glorious Queen.

But to give a short view of those wholesome severities; some heretics had been burnt, other's hanged, some had their goods confiscated, others their persons imprison'd; and to mention more particularly a publick act in writing that could

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not be falsified or misrepresented, and which had been since relax'd by the toleration act, an act had pass'd in the 35th year of Queen *Elizabeth*, intituled, *An act to retain the Queen's Majesty's subjects in their due obedience*; by which the Dissenters were among other penalties, to abjure the realm in forty days, or suffer Death without benefit of the clergy.

That the said penalty of abjuration of the realm had been taken from the ancient common law of *England* in relation to felony, by which if a man committed any felony, excepting sacrilege, and fled to a parish church, he might within forty days before the coroner confess the felony, and take an oath to abjure the kingdom for ever; and if he so confess'd and took that oath, he was thereby attainted of the felony, and then he had forty days from the coming of the coroner to prepare for his voyage, and the coroner assign'd him such a port as he chose for his departure out of the kingdom; and if he did not go straitway out of the kingdom, or being gone out did return without license, he had judgment to be hang'd, except he was a clerk, and then he had his clergy.

This being the law call'd abjuration, and by several regulations in the time of *Henry* the Eighth in ef-

fect taken away, the revival of which practice had been thought a wholesome severity, fit to be inflicted on the protestant dissenters of those times, and therefore the 35th of queen *Elizabeth* did enact, That if any person obstinately should refuse to repair to some church or chappel, or usual place of common-prayers, and forbear by the space of a month to hear divine service, and should after forty days from the end of that session of parliament willingly be present at any conventicle or meeting, under pretence of religion, contrary to the laws and statutes of the realm, that then such person should be committed to prison 'till he should conform and come to church; and if within three months after conviction he should not conform and come to church, and make his publick confession and submission, being thereunto requir'd according to the form of the said act, that then such offender should abjure the realm; and if being requir'd, he should refuse to make such abjuration, or should not depart the realm, within the time appointed after such abjuration made, or should return without the Queen's licence, after such departure then, in every such case, every person so offending should be a felon without benefit of clergy. So that the abjuration inflicted on protestant dissenters by that act, was worse than abjuration for felony at the common law;

law; in that the latter had the benefit of clergy, and the former had not.

This he said was one of the severities of Queen *Elizabeth's* reign, and whether it were a wholesome severity or not, humane nature would determine; but however wholesome it might have been esteem'd in those days by those who had the power and will to punish others, yet the legislature had, in express terms declar'd it unwholesome for these times, and the toleration act did expressly and by name exempt the protestant dissenters from the penalties of that act of the 35th of Queen *Elizabeth*.

That when the toleration act had granted such exemption, for the Doctor to come and publicly represent an archbishop as a false son of the church, and a perfidious prelate, for being for the toleration of dissenters in his time, and at the same time to recommend the resolution and pious zeal of Queen *Elizabeth*, for declaring that she would utterly suppress them, and her great prudence in exercising wholesome severities against them, which were of happy consequence to her person and government; what could have been said more against the toleration act, than that was? The toleration act exempting the dissenters from the penalties and severities inflicted in Queen *Eliza-*

beth's reign; the Doctor recommending them all again, as wholesome and necessary. Whence any person might judge whether that were not an express declaration against the toleration act.

That there was yet one thing more charg'd upon the Doctor in that part of the second article, viz. That he scurrilously call'd archbishop *Grindall* a false son of the church, and a perfidious prelate, for deluding Queen *Elizabeth* to the toleration of the *Genevian* discipline. Whether that consider'd abstractedly by it self, were in law a crime, or not, was not necessary for him there to examine. The Doctor indeed conceiv'd, that no words spoken of an archbishop, above one hundred and twenty years since deceas'd, would in construction of law amount to an high crime and misdemeanor: Whether it were so or not, in himself, he should not take notice at that time; because he only took it as an aggravation of the crime charg'd upon him, and to shew his zeal against the toleration it self, but had rak'd into the ashes of an archbishop, that had been in his grave 120 years, and blacken'd his memory because he had been for the Toleration of those people, who were then by law tolerated.

He was willing on that occasion to say a word or two to the memory of that archbishop; of whom the

the Doctor said, he had been under the displeasure of Queen *Elizabeth*; which was very true; and the said Doctor pretended the occasion of his being under her displeasure, had been for permitting innovations to be obtruded upon the church; those innovations being no other than what several other bishops at the same time, likewise practis'd, and some bishops since had done not much unlike; it had been for encouraging the meetings and exercising in those days call'd prophesying, which were meetings of the clergy to improve one another in the knowledge of the scriptures, and tended to make a learned and industrious clergy. This had been represented to the Queen, and prov'd the visible cause of his disgrace: But the true reason of his disgrace, as historians said, sprung from the hatred of the earl of *Leicester*, who was then in great power and credit with the Queen, and her great favourite. The said earl of *Leicester* had cast a covetous eye upon *Lambeth-house*, and would have had the archbishop to have alienated it, but he would not comply with him; which according to the historian, made the *Leicestrian* party to malice him. The earl had been likewise provok'd and incens'd against him for another reason, viz. for prosecuting one *Julio*, a physician of the earl's, an *Italian* physician, for having two wives, one of which was the wife of another man, with

whom he liv'd in adultery; and for those two offences against the earl of *Leicester*, who then bore a mighty power at court with the Queen, that storm was rais'd against him. But, that, for his life and doctrine, the archbishop was one of the most pious, learned and considerable prelates of that time: yet it was very true he was one of those bishops, that look'd upon the exercises us'd in those times by the clergy, call'd prophesying, as very necessary for their improvement, and for the benefit of the church; and some of the best bishops of those times had been of the same opinion. That he was a man of most exemplary life, and conversation, free from the suspicion of a crime. Had in his younger days been chaplain, with *Rogers* and *Bradford*, to *Ridley* bishop of *London*, who had given this character of him, That he was known to be a man of virtue, honesty, discretion, wisdom and learning. That in the persecution under Queen *Mary*, when his master and fellow-chaplains were burnt for religion, he became an exile on the same account, having quitted his ease, preferments, and hopes at home, to enjoy the liberty of his conscience in a foreign country, and repair'd to *Strasburg*; and when the troubles begun at *Francfort*, about the use of the *English* service, where the foundations of the divisions that have since divided and rent the church were laid, he was so far from

from disliking the *English* method as to go from *Strasburg* to *Francfort* to encourage and persuade the congregation there to submit to the *English* establishment, and had stuck close to it himself all his life-time: That at his coming home, in the beginning of the Reign of Queen *Elizabeth*, he was very instrumental in preparing the liturgy and book of common-prayer; and the first time the *English* service book was introduc'd at *St. Paul's* in *London*, the privy council and great officers of state, for the greater solemnity, came to *St. Paul's*, and *Grindall* was appointed to preach to that great audience upon that solemn occasion: that he was one the first five bishops made by Queen *Elizabeth*, and first bishop of *London*, afterwards archbishop of *Tork*, and lastly of *Canterbury*; and when afterwards by the earl of *Leicester's* artifice, he was under the Queen's Displeasure, yet he had so great an interest in the clergy, that even whilst he was under Disgrace at court, a considerable number of the convocation, then met, presented an elegant petition in *Latin* to the Queen to restore him, representing to her Majesty, that the archbishop had led a life free, not only from all crime, but even from the suspicion of a crime; that he had preserv'd his religion, not only from all corruption of popery, but of schism, and had suffer'd persecution for righteousness sake, having wandred abroad

in other countries for the cause of the gospel; and wherefore they most humbly besought her Majesty, not only to lift him up, but to restore the church to the archbishop, and the archbishop to the church, to her subjects, to his brethren, to foreign nations, and in a word, to all pious people. Such were the thoughts of the clergy of the archbishop at that time, even when he was under the displeasure of the Queen, so that there was no reason for the Doctor to asperse him as a false son of the church, or a perfidious prelate, since it appear'd on the contrary, that he had been a man universally esteem'd for his virtue, piety and learning.

The last charge of that article, he said, was his asserting, That it was the duty of Superior Pastors to thunder out their ecclesiastical *Anathemas* against Persons intituled to the benefit of the toleration; and insolently daring or defying any power on earth to reverse such sentences.

To which the Doctor had answered, That the Persons intituled to the benefit of the toleration were not by him mentioned or intended; but if those expressions in his sermon must be determin'd to any one sort of Persons, he conceiv'd that the connection of his discourse would determine them to those schismatical and factious Persons who took

Permission for Power, and advanc'd toleration immediately into an establishment; and it was plain from the Passage it self, being in page 25th of the sermon, that he meant the dissenters, who were intituled to the benefit of the toleration, as appear'd by his own words; which were,

If our dissenters had liv'd in the times of *St. Paul*, they would have branded him as an intemperate, hot, furious zealot, that wanted to be sweetn'd by the gentle spirit of charity and moderation forsooth; schism and faction are things of impudent and incroaching natures, they thrive upon concessions, take Permission for Power, and advance a toleration immediately into an establishment, and are therefore to be treated like growing mischiefs, or infectious plagues, kept at a Distance, lest their deadly contagion spread: Let us therefore have no fellowship with those works of darkness, but rather reprove them; let our Superior Pastors do their duty in thundering out their ecclesiastical anathema's, and let any power on earth dare reverse a sentence ratified in heaven. All which the Doctor did in the following part of his answer, in effect own; for he said,

As to the last part of the second article, charging the Doctor with insolently daring or defying any power on earth to reverse the eccle-

siastical sentences therein mention'd: The said Doctor had answer'd, that the sentences which he dar'd any power on earth to reverse, were such, and such only, as had been ratified in heaven, and such sentences he still affirm'd to be by any earthly power irreversibile; and hoped it would not be thought insolence in him to affirm what he conceived would be blasphemy in any one to deny; and did further acknowledge himself firmly to believe, that some sentences pronounc'd by the pastors of the church were ratify'd in heaven; and that some persons exempted from punishment by the particular laws of the land, might yet by the laws of Christ be justly liable to such sentence; and that schism, or a causeless separation from a church injoining no sinful terms of communion, was a sin, which expos'd the person guilty thereof to the censures of the church.

Therefore the house of commons had charg'd the Doctor with insolence, in daring or defying any power on earth to reverse the ecclesiastical sentences mention'd in his sermon, and he by insinuation had retorted upon them the charge of blasphemy: Which the house of commons thought they had reason to resent, and to call upon their lordships for immediate punishment of him for treating them in that manner; but they left it to their lordships, in what manner they wou'd

wou'd think fit to do them justice, in vindicating them against such a charge. But as to that passage then before them, he affirm'd, that some persons exempted from punishment by the laws of the land, might yet by the laws of Christ be liable to such sentence; and That schism, or a causeless separation from a church injoining no sinful terms of communion, was a sin, which expos'd the person guilty thereof to the censures of the church. Then what was that but to say, The dissenters causelessly separating from the church, which impos'd no sinful terms of communion, were guilty of schism; tho' the law of the land had exempted them from punishment for that schism, yet for that sin they were expos'd to the censures of the church; those censures when inflicted, were ratified in heaven; therefore, notwithstanding the law of the land had given them that exemption, the ecclesiastical superiors were to do their duty in thundering out their anathema's against them, and let any power upon earth dare to reverse their sentences if they can.

As to the power of the church in censuring or excommunicating, Sir *Peter King* thought it not necessary for him to say any thing of it upon that occasion: but the Doctor was a minister of the church of *England*, who had submitted to the Queen's supremacy, and by the canon was bound to maintain and

preach the Queen's supremacy; her Majesty was supreme over all causes, and over all persons as well ecclesiastical as civil; and by an act of parliament made since her Majesty's happy accession to the crown, viz. the act relating to her Majesty's bounty for the augmentation of the maintenance of the poor clergy, she had been own'd and recogniz'd to be the only supreme head on earth of the church of *England*, her Majesty had by law a supreme controlling power over all the censures and excommunications of the church; that power she exercis'd according to the rules of law, by her several officers and ministers of justice. The exercise of the churches censures, jurisdiction and power ought to be according to law; and if any person were excommunicated against law, the Queen's courts might and would command the ecclesiastical judge to assail such excommunicated person, and restore him to the communion of the church again: That being the supremacy of the Queen, and the doctrine of the church of *England*; by vertue of which supremacy, if any judge of the spiritual court should pretend to excommunicate any of the dissenters for any thing which by law they were not oblig'd to do, or which by law they were excus'd, or exempted from, the courts of justice in *Westminster-Hall* would in such case award a prohibition, and compel the ecclesiastical judge to absolve

absolve him. As supposing that notwithstanding the toleration act, a dissenter should for not coming to the church, be sentenc'd in the spiritual court by the judge there, or be proceeded against there, in order to an excommunication; a prohibition would lie to that judge from the Queen's courts upon the said act, and the courts of common-law would prevent him from such Proceeding; and if sentence were past, would compel the judge to annul the excommunication, and receive the party again. Then for the Doctor to say, That tho' the dissenters were tolerated by that act of Parliament, and tho' they were exempted by law from penalties, yet let the law of the land be what it would, the ecclesiastical pastors might do their duty, fulminate their excommunications, and thunder out their anathema's, and then let the civil magistrate, the earthly powers, dare to reverse them, if they could. This Sir *Peter* submitted to their lordships, whether it was not directly impugning the Queen's supremacy, as well as weakening and censuring the toleration, which was what he had been charg'd with in that article.

But he would not take up more of their lordships time; there being other gentlemen to come after him who would abundantly supply his defects, and offer to their lordships some farther considerations to make

out the charge contain'd in the second article.

After Sir *Peter King's* long discourse the lord *William Paulet*, in short, told the lords, That the charge against the Doctor, in that second article was a crime of a very heinous nature: it having always been esteem'd one of the happy consequences of the late revolution, that her Majesty's Protestant Subjects, by a legal indulgence granted to dissenters, were united in interest and affection, in the defence of her Majesty's sacred person and government.

That it was too well known, how in former times, when popery had almost prevail'd in the ruin of the state and church, the protestants of the kingdom had been by the artifice of papists, set against each other, that by such divisions popish tyranny might be establish'd in the nation.

That the act of parliament pass'd in the first year of the reign of their late Majesties King *William* and Queen *Mary*, to exempt protestant dissenters from the penalties of certain laws, had been made to defeat any such future attempts of the papists; the preamble of the act declaring, that some ease to scrupulous Consciences, in the Exercise of Religion, might be an effectual Means to unite her Majesty's Protestant

testant Subjects in Interest and Affection.

That the good effects of the wisdom of the legislature in making that act had been seen. Her majesty's protestant subjects being then all easy under her administration; and how many dissenters since the toleration were become sincere converts to the church. Besides he might say, that by the toleration the prejudices of the dissenters were off, and their number daily decreased.

Next, Mr. Cowper spoke to the same article, saying, He thought it unnecessary at that time to urge all the arguments which might be made use of, to justify the reasonableness of the toleration granted to protestant dissenters, by exempting them from the penalties of certain laws. It might suffice to say, that indulgence was required from them as christians, and as men professing humanity and good will towards one another.

And whoever maintained, that the toleration was unreasonable, and the allowance of it unwarrantable, seemed necessarily to assert, that the Exemption granted to her majesty's subjects, from the penalties of former laws, ought to be re-assumed; unless it could be supposed reasonable to allow what was unwarrantable.

And therefore that assertion did evidently arraign the act of toleration, a law then in being, a law by which the people (throughout the whole series of the then dangerous war) had been more firmly united, in interest and affection, than formerly: He meant, in the days when the penalties of those laws had been inflicted with intemperate zeal.

Mr. Cowper asked their lordships, whether it was reasonable to allow toleration, or rather whether the allowance of it were not unwarrantable, if it were the open and violent means made use of to destroy the church of *England*? And whether that was not a most uncharitable censure, highly reflecting upon the act of toleration, and the legislative authority? Whether that was not maliciously and falsely suggested, with a wicked and seditious purpose, to create jealousies and misunderstandings amongst her majesty's people.

Comprehension and toleration being represented as open violence, moderation and occasional conformity as secret treachery, by which the church might be blown up, though it could not be pulled down by the violent means of comprehension and toleration.

He said, it would waste too much time unnecessarily, should he
F f take

take particular notice (after what had been already so well urged in maintenance of the second article) of all the passages which seemed to be equally liable to censure.

The Antislasis about that paragraph being so very plain, that he hoped it was not one of those mentioned in the doctor's answer to carry a dubious sense. The prisoner seeming to have taken care to explain himself, for fear his meaning should have been doubtful; and therefore after having said,

What could not be gained by comprehension and toleration, must be brought about by moderation and occasional conformity; he added, that is, what they could not do by open violence, they will not fail by treachery to accomplish.

And having inveighed against the toleration with much ill nature and bitterness of spirit, he had been pleased in the next place to assert, That he was a false brother with relation to God, Religion, or the church who defended it.

That the doctor having so treated those who defended toleration, his superior pastors were in the next place to be admonished of their duty, which was to thunder out their ecclesiastical anathema's against the persons intitled to legal indulgence, which anathema's were stiled sen-

tences ratify'd in heaven, and such as no power on earth durst reverse.

It was far from him, continued Mr. Cowper, to say, that sentences ratified in heaven, could be reversed by the powers of this world. But had Dr. Sacheverel been a superior pastor, and anathematized, or, in plain English cursed and sentenced all those who enjoyed the benefit of toleration, to damnation, he desired to be excused, if he could not believe that such a sentence would be ratified in heaven.

And as to any ecclesiastical censure not ratified in heaven, it was downright insolence to say, there was no power upon earth that could reverse it.

But since the superior pastors would exercise a truly christian, and noble spirit of charity and moderation, and indulge scrupulous consciences, the doctor was pleased however to bear his testimony against it, and was not contented with delivering over to Satan those only who enjoyed the indulgence, but those who defend toleration must also bear them company.

He could not agree, that those harsh expressions, as the answer owned they were, could be rather be excused, because the remains of the archbishop had been so long since deposited, especially considering that his memory had been held in the highest esteem

esteem and veneration by all the reformed churches in Christendom, from that time down to the fifth day of November last.

For his own part, he thought it very immoral to cast reflections upon the dead, how ill soever they might have deserved from us; and the longer a man had been so, in his opinion, rather aggravated than lessened the immorality.

He was free to own, that the man whose morals would permit him to reflect upon the departed, was not therefore to be impeached for it, as for an high crime and misdemeanor; but that was not the present case. Archbishop Grindall had been thus severely treated upon a supposition of his deluding the Queen to a toleration; and all the hard words falsely and unreasonably bestowed upon him, had been evidently levelled at the present toleration, and designed maliciously to asperse and traduce it, by representing it as injurious to the character of all concerned in it, dangerous to her Majesty, and destructive to the constitution both in church and state.

By which means, and others (if possible worse) one part of the people, through groundless fear and jealousy unreasonably and maliciously instilled, were to be stirred up to arms and violence; others, upon the peril of damnation, were not so much as to utter one word in defence of toleration;

whilst the third and last part were to have the Doctor's wholesome severities executed upon them.

He concluded, 'twas too notorious that that incendiary, for so the articles of the commons of Great-Britain called him, had already stirr'd up unaccountable feuds and quarrels throughout the nation; of which the commons were too sensible, and had therefore brought the offender before their lordships in justice and in judgment.

For he had sown many seeds of sedition, and the fruit to be expected was civil discord and confusion, unless some remedy were apply'd to prevent it.

Therefore the commons, for her Majesty's safety, and for the security of the constitution, had thought it absolutely necessary to bring him to answer for those high crimes and misdemeanors before their lordships tribunal, conceiving his offences to be of so exorbitant a nature, that they deserved the solemnity of that proceeding.

Then the Lords Adjourned to their own House.

On Wednesday, March the first, the lords came down into Westminster-Hall, and being seated as before-mentioned, proclamation was made by the serjeant at arms enjoining silence

lence, and another proclamation for Dr. Sacheverell to appear.

Which the Doctor accordingly did, with his council, as before; and the Lord-chancellor directed the managers to proceed in their evidence.

Then Mr. Thomson applied himself to the lords to this effect.

That their lordships having heard what had been produced in maintenance of the two first articles of this impeachment, he should take the liberty to proceed, and endeavour to discharge the trust reposed in him by the commons, to support the third article, and the accusations contained in it; and would not waste their time by making any apology for his inability, and being unequal to that undertaking, as not doubting but that he should find from their lordships a candid interpretation of whatever he should offer upon that occasion.

He said, That article was founded on a vote or resolution of their lordships, and the commons, in parliament assembled, which was recited in the preamble of those articles, and the occasion of which it might be necessary to mention to their lordships. That some few years since there had been many scandalous and seditious rumours spread abroad, of the danger of the church of England, as established by law.

Several libels had been dispersed

over the kingdom, reviling her majesty's administration in church and state; and among the rest, one intitled, The memorial of the church of England. Her majesty has been pleased to take notice of those seditious reports from her throne to the parliament; and thereupon their lordships and the commons, on the 17th of Decem. 1705, had come to the vote or resolution mentioned in the preamble, and an address which was recited to this effect: That their lordships, and the commons, in parliament assembled, had addressed, and laid before her majesty a vote or resolution, That the church of England, as established by law, and which had been rescued from the extremest danger by his late majesty, of glorious memory, was, by God's blessing, under her majesty in a safe and flourishing condition; and that whoever should go about to suggest and insinuate that the church was in danger under her majesty's administration, was an enemy to the Queen, the church, and the kingdom.

And that their lordships, and the commons, by their said addresses, had humbly besought her Majesty to make the said vote or resolution publick, and to take effectual measures for the punishing the authors and spreaders of such malicious and seditious reports: and that on the 20th of the same month her majesty had been pleased to issue her royal proclamation accordingly.

And therefore the said article charges, that in opposition to, and defiance of, and in order to arraign and blacken that vote or resolution, Dr. Sacheverell, in his sermon preached at St. Paul's, did suggest and assert the church of England to be in a condition of great peril and adversity under her Majesty's administration. The article further saying, that he wickedly and maliciously insinuated, that the members of parliament, who passed that resolution, were themselves conspiring the ruin of the church, which they voted to be out of danger: and that by way of parallel or allusion to that assembly who had voted the person of king Charles the first to be out of danger at the same time when they were conspiring his destruction.

That he would do the Doctor the justice to take notice of what he said in his answer, and abledg'd as his justification. Who deny'd that he asserted the church to be in danger, under her Majesty's administration: or otherwise than from vice and infidelity, blasphemy and prophaneness. And as to the parallel in the vote, and the insinuation of the members conspiring the ruin of the church, he said he had never mentioned that vote, nor designed the parallel as laid to his charge; but only meant, that while some men had been conspiring the death of the King, others, not privy to that design, voted him out of danger; so tho' the members had

voted the church to be out of danger, yet others were conspiring against the church, and by their vice and infidelity were drawing down vengeance on the church and kingdom.

That having stated the charge, and defence, he would proceed to acquaint their lordships with the several passages of the sermon, which the commons apprehended would make out their Accusation. And there, he should take leave to say, that no strained or forced constructions could be desired by the commons, or expected from their lordships, or any inferences to be deduced, but what naturally arose from a fair, impartial, and candid interpretation.

That the first passage, the commons apprehended, was for their purpose, was in the 5th page; the Doctor, just before, enumerating St. Paul's Misfortunes that befel him, while he was propagating the gospel, and then said, there is a very observable gradation in his sufferings, but that, of all his Calamities, the highest of them proceeded from false brethren: Then speaking of the condition of the church of Corinth, there followed these words: Tho' it were obvious to draw a parallel here betwixt the said circumstances of the church of Corinth formerly, and of the church of England at present, wherein her holy communion has been rent and divided by factious and schismatical impostors, her pure doc-

trine has been corrupted and defiled, her primitive worship and discipline prophaned and abused, her sacred orders deny'd and vilify'd, her priests and professors (like St. Paul) calumniated, misrepresented and ridiculed, her altars and sacraments prostituted to hypocrites, deists, socinians and atheists; and this done, I wish I could not say, without discouragement, I am sure with impunity, not only by our professed enemies, but, which is worse, by our pretended friends, and false brethren.

To which Mr. Thompson said, it might be observed, that the Doctor was very free in his parallels, and when either church or state was to be represented by comparisons, he was pleased to make use of the worst he could find. Saying the church of Corinth was in the utmost of perils, and then it was to his purpose to make the allusion, and bring the church of England into the same condition.

That there were many particulars in that passage, whereby the church was said to be in the said circumstances, he could not tell how to apply them according to the Doctor's way of interpretation; for he said all those enormities were practised, not without discouragement, and with impunity, not by professed enemies, but by false brethren; which plainly shew'd who he aim'd at as the authors of those Calamities: for he excluded vicious infidels, blasphemers and he-

reticks, who were profess'd enemies, and laid it upon false brethren; and he explained what sort of false brethren he meant; for who could prostitute altars and sacraments to deists, atheists, and socinians, but some of his own order? and who were to punish such offences among the clergy, but their spiritual superiors? and whether they were not part of her Majesty's administration, he submitted to their lordships.

The second passage Mr. Thompson said, was in page the 16th, where the Doctor, talking of a comprehension which was designed some time before, to unite the church and dissenters, complained of the persons who were concerned in that heinous intention; and then he asserted, that since that model of an universal liberty and coalition had failed, and those false brethren could not carry the conventicle into the church, they were resolved to bring the church into the conventicle, which would more plausibly and sily effect her ruin. What could not be gained by comprehension and toleration, was to be brought by moderation and occasional conformity, which was, what they could not do by open violence, they would not fail by secret treachery to accomplish: if the church could not be pulled down, it might be blown up; and no matter with those men, how it were destroy'd, so that it was destroy'd.

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Who then were those false brethren that were concerned in that design of comprehension, which failed, and who introduced worse mischiefs? did these dangers proceed from vice and infidelity, from blasphemy, and erroneous doctrines? no, those false brethren were described in the page before, under his second general head, to be in church and state, which must be persons in power and authority; the expression it self importing it, nor could they otherwise be capable of accomplishing that design of uniting the dissenters and the church; to which design, and the authors who intended it, he was pleased to give the most vile and scurrilous names imaginable, and afterwards laid to their charge an intention to blow up the church by moderation: and that he supposed was one of the vices which the doctor mentioned in his answer, as one means of danger to the church. And if moderation were a vice he would do the Doctor the justice to acquit him from the least tincture of it, in any of his works that he had ever met with.

That the third passage was in page the 18th: where the Doctor was continuing his observations of the danger from the false brethren in church and state, and then his words were, 'Falseness always implies treachery; and whether that is a qualification for any one to be

' trusted, especially with the guardianship of our church or crown, let our governors consider.' Which must relate to persons, who, as the Doctor would insinuate, were not fit to be trusted with the guardianship of the church or crown; and whether that reflection did not seem to aim higher than the administration, he submitted to their lordships.

That the next passage was page the 20th, in these words, 'And now are we under no danger in these deplorable circumstances? must we lull our selves under this sad repose, and in such a stupid lethargick security embrace our ruin? when *Elisba*, the great prophet of God, was surrounded with an host of enemies that fought for his life, his blind servant beheld not the perils his master was in, till his eyes were opened by a miracle, and he found himself in the midst of horses and chariots of fire. I pray God we be out of danger; but we may remember that the King's person was voted to be so, at the same time that his murderers were conspiring his death.'

That to excuse this passage, the Doctor said, the deplorable circumstances we were in proceeded from the maturity of national sins, &c. as in his answer. But who were mentioned in his sermon as the occasion of

of the maturity of national sins but the dissenters, who, he said were plotting the ruin of the church, and false brethren joined with them; so that there neither was the danger asserted from vice and infidelity, but as it was occasioned by the dissent from the church, which the law had thought fit to apprehend as no danger to the church; and therefore it could not become him to assert the contrary; but as to the parallel of the assembly, which voted king *Charles* the first out of danger, and of the members who had made the vote about the danger of the church four years before, he said he had meant no reflection on any of the members who pass'd that vote, because he had never mentioned that vote; and as to the vote about king *Charles*, others had been conspiring his ruin than those who voted him out of danger; so while the parliament had voted the church out of danger, there had been other enemies conspiring her ruin. But if the Doctor had intended no reflection upon that vote, why had voting in any case been mentioned? could any one imagine that the Doctor should not know of that vote, since the danger of the church was so much his topick? nor could he be presumed ignorant of the time when that vote about king *Charles* was passed, which, as far as might be observed from the history of that time, was in November 1648, that he was voted out

of danger; and when he was try'd and beheaded needed not be mentioned to their lordships: and whatever alteration might have been made in that assembly after the vote, and before his death, had been done by those persons who had conspired his destruction, and who were part of that assembly that had voted him out of danger; so that it seemed plain, that the vote of safety, and the conspiracy of ruin, came from most of the same persons; and it did not seem very strange to suppose the Doctor had intended his allusion in the same manner.

As to the scripture the Doctor quoted to that purpose, *that the blind servant beheld not the peril his master Elisha was in, till his eyes were opened by miracle, and he found himself in the midst of horses and chariots of fire*: those horses and chariots of fire were not the prophet's enemies, but his friends, nor was there any danger to be feared from them; on the contrary, they were a security from his enemies; so that he had plainly perverted the sense of that text, to make a stronger impression, and more effectually to delude the people.

That the last passage was in the last page, where he was still talking of the danger of the church, and quoted a text as in the *lamentations*, (*viz.*) *tho' she lies bleeding of the wounds she received in the house*
of

stration except that there were in the one, as well as in the other, *Ministers of the Church, who, by their Function, being Messengers of Peace, set up to be the Trumpets of Sedition and Incendiaries to Rebellion.* But, that the Commons hop'd, The happy Period was then come, when even that Resemblance should have its Determination; for they entirely rely'd on their Lordships Justice to inflict such an Exemplary Punishment on that Offender, as might deter others from endeavouring to distract the Kingdom with such groundless Distrusts and Jealousies for the future.

Next, Mr. *Dolben* signify'd to the Lords, that the third Article of the Commons Impeachment contained one criminal Position, That the Church of *England* was then in a Condition of great Peril and Danger under her Majesty's Administration, aggravated by an odious Parallel which afforded a pregnant Proof of the true Spirit and Designs of that bold Offender.

That the Accusation had already been fully made out by plain and positive Words in the Doctor's Sermon, from which as well as from many other Passages, he should beg leave to submit to their Lordships Judgment, whether that wicked Parallel might not justly be turned upon him, whether there was not more than Suspicion that he, and

all his Abettors, were conspiring the Ruin and Destruction of the Church, when under the Disguise of a false Zeal they prostituted her sacred Name to carry on dark and deep Designs, fatal both to Church and State.

He should only briefly take Notice to their Lordships, that the Guilt of that Offence arose from a plain Contempt of her Majesty's Proclamation, and of the Resolutions of both Houses of Parliament, moved by no Inducement, but an Eagerness and Industry not to let any Shadow or Colour escape that might contribute to his Part in the grand Design, to be only effected by fomenting Divisions and Distractions among the People.

But in order to unvail the Doctor's Pretences, and to take away his trivial Excuses, he begg'd leave to represent to their Lordships, that tho' the whole Legislature had not, from a full Conviction of the Church's Security and Safety, laid a severe Injunction against the Publishing such a false and pernicious Suggestion, yet evident Truth ought to have taught the Doctor not to have transgress'd in so notorious a Manner.

He said, their Lordships had then at their Bar a Clergyman, bound, by the strongest Ties and Duty of his Function, to instruct and propagate the necessary Means for the Peoples true

true Happiness in this World, as well as the next; yet their Lordships would find him proved to be a Trumpeter Itinerant of Sedition and Rebellion, first at Derby, then in London; an Agent detached from that dark Cabal, whose Emissaries appeared in all Shapes, and almost in all Places; an Asserter of such pestilential and paralleled Doctrines, as at once overthrew the whole Constitution and State.

That the Commons had brought that Offender before their Lordships, with a View, not only to detect and punish his Offence, but to obtain an Occasion in the most publick and authentick Manner to avow the Principles, and justify the Means, upon which the present Government and the Protestant Succession were Founded and Establisbed, and that more out of a generous Concern for Posterity, than for their own present Security. Being so happy as to have a Sovereign on the Throne, whose Goodness, Justice and Piety left no room for the least Fear or Jealousie; but they hoped the Record of that Proceeding would remain a lasting Monument, to deter a Successor, that might inherit her Crowns, but not her Virtues, from attempting to invade the Laws, or the Peoples Right; and if not, that it would be a noble Precedent to excite their Posterity to wrestle and tug for Liberty, as they have done. That he doubted not but her Majesty would, with the greatest Satisfaction, see the

Government thus put upon a right and equal Foot, since thereby those Blessings would be secured to future Ages, which her happy Reign had planted amongst them, since thereby she would intail a lasting Felicity on her People, and prevent those real Dangers both to Church and State, which at that time were so falsely insinuated. But if that should not then be effectually obtained, and by such wholesome Sevcrites as the Doctor applauded and recommended, he beg'd leave to conclude, with juster Complaint than that in the Doctor's Answer, that hard was the Fate of that People, who after having been twenty Tears in War, in Conjunction with so many great Allies, at the Expence of so much Blood and Treasure, contending only against Tyranny and Oppression, which they might justly hope was at last subdued, should then see all Europe enjoy the Fruits and Benefits of their Labours; and at the same time, though her Majesty's well chosen General should at last bring home Peace, as he had so often the Laurels of Victory, to lay with humble Duty at her Royal Feet, yet they, only they, should be rendered incapable of the common Blessing; betrayed at home to a perpetual Condition of Bondage, by such false Brethren as were at their Lordships Bar.

Here the Lord Haversham moved the Lords to Adjourn to their House; and being returned, and Proclamation

tion for Silence made by the Serjeant at Arms.

The Lord Chancellor told Mr. Dolben, the Lords had taken Notice that at the Conclusion of what he spoke he had used this Expression, *as were at their Lordships Bar*; which Words were so general, that their Lordships were of Opinion they wanted an Explanation.

Mr. Dolben answered, that those Words had relation only to the Prisoner at the Bar.

Then Serjeant Parker spoke to the fourth Article thus, That their Lordships had heard the three first Articles of the Charge largely spoken to; and it was his Duty, in Obedience to the Command he had been Honoured with by the Commons, to make good the Charges in the fourth. That he was sensible how unequal he was to such a Work, both from his want of Capacity, and his present Indisposition; but however, in such manner as he was able he would endeavour it.

He said, that Article did set forth, that *he the said Henry Sacheverell, in his said Sermon and Books did falsely and maliciously suggest, that her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tended to the Destruction of the Constitution; and that there were Men of Charac-*

ters and Stations both in Church and State, who were false Brethren, and did themselves weaken, undermine and betray, and did encourage and put it in the Power of others, who were professed Enemies, to overturn and destroy the Constitution and Establishment: and charged her Majesty, and those in Authority under her, with a general Male-Administration; and as a publick Incendiary, he persuaded her Majesty's Subjects to keep up a Distinction of Factions and Parties, instilled groundless Jealousies and fomented destructive Divisions among 'em, and excited and stirred 'em up to Arms and Violence: And, that his said malicious and seditious Suggestions might make the stronger Impressions upon the Minds of her Majesty's Subjects, he the said Henry Sacheverell, did wickedly wrest and pervert divers Texts and Passages of holy Scripture.

That this Article in general, was a Charge of Sedition under several Aggravations, and made good by almost every part of the Sermon and Dedications, read before their Lordships in Evidence.

The avow'd Design of the Sermon, was to represent the extreme Perils and Distresses of the Church and Constitution from false Brethren, and that were in the Administration, and countenanced by it.

It represented the Church in the utmost Extremity, those Fences broken down, without which she was naked and unguarded, her Altars and Sacraments prostituted, her self deserted, betrayed, undermined, and persecuted with open Violence, bleeding of her Wounds, her Enemies openly calling for her Destruction.

The Nation, sunk into the lowest Degree of Corruption, swarming and over-run with Atheists, Deists, Socinians, Hypocrites, Villains, Rebels, Traytors, Correspondents with the Devil, nay, with Men that were themselves the worst of Demons.

The Government, so far from applying a Remedy, that all this was done Openly, with Impunity, without Discouragement: Nay, the Persons from whom the Mischiefs arose, were suffered to form themselves into Seminaries, to propagate Atheism and other Hellish Principles; were let into the Administration, they were in Places, Places were given them as the Reward of betraying their Party, they engrossed all Places, they were Persons of Characters and Stations, nay, they were a Chief.

And in his Answer, put in before their Lordships to the Articles of Impeachment, he would divide the

Charge in that Clause; and (1) as to the suggesting that there were such Persons who were False Brethren, he said, that if he had said there were Persons of Characters and Stations that were False Brethren, not restraining it to the highest, it would not be either false, malicious, or highly Criminal.

(2) As to the weakening, undermining, and betraying in themselves, and putting it into the Power of professed Enemies to overturn and destroy the Constitution, he said, he had not suggested that of Persons of Characters and Stations; but the mention of those Persons, and the Expression of weakening and betraying in themselves, and enabling others to destroy the Constitution, were twelve Pages asunder.

(3) He mentioned some, who he thought did weaken and betray the Constitution, but had not said any of them were Men of Characters and Stations.

In answer to these Glosses, the Serjeant added, he might say, that if that were meant, not of the highest Characters and Stations, nay, though it were true too, the affirming it of them would be Criminal and in the Manner he did it, highly so; for all subordinate Magistrates of whatever Station, might be regularly complained of, and called

sist her. *The utter Illegality of Resistance to the supreme power upon any pretence whatsoever, Her Majesty's professed enemies would come into, and labour for: meaning only to condemn the resistance that had been made against King James the second, and brought about the revolution, and any resistance that should be made against the Pretender whenever he might come; and Dr. Sacheverell went no further.*

Mr. Serjeant affirm'd *That* those enemies of her majesty, had ever since the revolution, made it their business, to blacken it, to raise scruples in peoples minds about it, and to make the Administration odious: *That* the same methods were advanced by Dr. *Sacheverell* into the pulpit; and if those methods were to appear in the greatest assemblies, on the most solemn occasions; If the Revolution was to be *attack'd* on a day when her majesty had appointed it to be commemorated; if her majesty's reign was to be arraign'd in publick, and an appeal made to the passions of the people; with whatsoever *Professions* attended, it equally struck at her majesty and the establishment: and the commons could not but think themselves oblig'd, in duty and gratitude to her majesty, and in justice to the whole nation, to call him that us'd them after that manner, to a publick account: And how much soever that gentleman commended

his own loyalty, 'twas plain that in this sermon he was doing the very same *Work*, and in the very same *Method*, with those that *disown'd Allegiance* to her majesty.

Mr. Serjeant begg'd leave to observe a little the Doctors management of that text; and therefore would suppose the doctor to be right as to his *Doctrine*, and that he believed himself to be so: and that he was *since* in his *Professions* of loyalty to the queen.

For he was not then going to dispute or limit the doctrine of non-resistance, which had been the business of those gentlemen that spoke to the *first article*.

By *False Brethren* (he said) in the text of the sermon were meant, those who pretended to be Christians, but really *were not*, and Dr. *Sacheverell* seem'd so to understand it; and therefore declared those to be *False Brethren in the CHURCH*, that *pretended* to be of the Communion of the Church of *England*, but were not; that lived in its communion, but own'd not its doctrines and authority.

By like Analogy, *False Brethren in the STATE* were such, as perhaps swallowed the oaths to the queen; or if they went not so far, yet took the benefit of her laws, her courts, her protection, yet de-

nied her allegiance, and were for another prince.

That a just and well manag'd reproof of those had been a noble to-pick for one that pretended so much zeal for the queen; but *they were then wholly pass'd by*, they were not to be blam'd, there was no danger from them either to church or itate.

Who then, according to the Dr. were *Falle Bretheren in the State?* (He had been put to it to substitute some others in their place.) They must be only those who *one way or other* oppos'd the doctrine of *Non-Resistance upon any pretence whatsoever*, whom he described in several invidious instances, and in all possible terms of reproach.

To conclude he said, the *Commons* had the greatest and justest *Veneration* for the *Clergy* of the church of *England*, who were *glorious* through the whole *Christian World* for their preaching and writing, for their *Steadiness* to the protestant religion, when it had been in the utmost danger.

They look'd upon that *Order* as a *Body of Men*, that were the *great Instruments* through whose assistance the divine providence convey'd *inestimable advantages* to them: They look'd upon the *Church Establish'd* as the best and surest bulwark a-

gainst Popery, and that therefore all *Respect* and *Encouragement* was due to the *Clergy*, and it was with *Regret* and *Trouble* that they found themselves *oblig'd* to bring before their Lordships in such manner *one of that Order*.

But when they considered Dr. *Sacheverell*, stripping himself of all the becoming qualities proper for his order, nay of all that *peaceable* and *charitable* temper which the christian religion required of all its professors, deserting the example of our lord and master, and of his holy apostles, and with rancour and uncharitableness branding all that differed from him, though through Ignorance, with the opprobrious titles of *Hypocrites*, *Rebels*, *Traitors*, *Devils*, reviling them, *exposing* them, *conducting* them to hell, and *leaving* them there; treating every man that fell in his way, worse than *Michael* the arch-angel us'd the devil; coming himself nearer the character in *St. Jude*, part of which he would have applied to others, *despising dominion*, *speaking evil of dignities*, like *raging Waves of the Sea*, *foaming out his own shame*, forgetting when his text and doctrine led to it, to recommend the peace of his country in a time when all Europe was in war, and nothing could preserve the nation from falling into the hands of the grand enemy and oppressor, but the *People's Unanimity* under her majesty; then labouring to sap the establishment, and railing

ing and declaiming against the Government, crying, to Arms, and blowing a trumpet in Sion, to engage his country in seditions and tumults, to overthrow the best constitution, and to betray the best queen that had ever made a people happy, and that with Scripture in his mouth.

That the Commons look'd upon him by that behaviour to have severed himself from all the rest of the Clergy, and thought it their duty to bring to justice such a criminal; and were in no fear of being thought discouragers of those who preached virtue and piety, because they, in the supreme courts of justice, prosecuted him that preached sedition and rebellion; or to have any design to lessen the respect and honour that was due to the clergy, by bringing him to punishment that disgrac'd the order.

After Serjeant *Parker* Mr. Secretary *Boyle* told the lords,

He was commanded by the house of commons to have a share in maintaining the articles of impeachment against Dr. *Sacheverell*; and it fell to his lot to speak to that 4th article, which contained no less a charge than endeavouring to excite and stir up her majesty's subjects to arms and violence.

That, the ground of that accusation, was the dedication of a ser-

mon preached at *Derby* at the last assizes; and another sermon preached at *St. Pauls* on the fifth of *November*, a day set apart to commemorate the preservation of the king and parliament from the Gunpowder Treason, and to give thanks to almighty God for the deliverance wrought by his late majesty, in rescuing these kingdoms from popery and arbitrary power.

That the whole nation then enjoying the benefit of that happy revolution, and all her majesty's good Subjects being thankful for it.

One would have thought, that on such a day, that matter should not have been so handled as only to be expos'd; and he was persuaded, that whoever went about to asperse and vilify the late revolution, would rejoice to see another.

That he should not trespass upon their lordships patience so far, as to repeat the many passages in the sermon that made good their accusation, they having been so fully laid before their lordships already by a Gentleman that spoke before: And indeed there was the less reason to descend into particulars, since the whole scope and design of the sermon had been to instil groundless jealousies into the minds of people, and to cast the most virulent reflections imaginable upon her majesty's administration.

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For it might be suppos'd from the doctor's discourse, that the church of *England* had been then suffering under the most severe persecution; That the laws were no longer in force; and that the whole government was unhing'd: than which aspersions more violent could not have been us'd, had they lived in the reign of the worst of heathen emperors, whereas they were partakers of so many blessings under the government of the best of queens.

That the prisoner at the bar lay'd some stress upon the word *Suggest*, as express'd in the fourth article, which had already received an answer, and would have insinuated that there were no plain words in the sermon to support the charge; but if that objection had been true, which they were far from admitting, and the consequences drawn from it allowed, he might then say, *Hard would be the case of the government, if men might make the most odious suggestions against it, and cast reflections with impunity, under the shelter of some doubtful expressions, and equivocal sentences, at the same time that the sense and malice of the reflections was plain to be understood, and could hardly be mistaken.*

That the doctor did indeed affect in his answer, and in one part of his sermon, to profess great du-

ty to her majesty; but if those expressions were compared with the calumnies that were heaped upon her administration, he conceived they would not mitigate his crime, and would avail him no more than the pretence he made to be for liberty of conscience, when he condemn'd the toleration; which excuses *Mr. Boyle* believed would equally weigh with their lordships, and his sincerity in both would equally appear.

He said, it was no new thing among those who design'd to stir up sedition, to bestow great encomiums on the person of the prince; it had been a common practice, and the same method had been pursued in the late unhappy times. The incendiaries of those days pretending that the protestant Religion was in danger under that government, as the enemies of the present Constitution cry'd the church was in danger under this.

But that every thing was in danger from such seditious discourses; For what a scene of distraction and wickedness was there display'd to the understandings of the people, to excite and inflame them to sedition and rebellion? who could sit still, if they were persuaded that *the altars and sacraments of their church were prostituted to hypocrites, deists, socinians and atheists, and that done with impunity, and without discouragement?*

ragement? what could be more provoking to all good christians and good subjects, than to be told that *people were suffered to combine into bodies and seminaries, wherein atheism, deism, tritheism, socinianism, with all the hellish principles of fanaticism, regicide, and anarchy, were openly professed and taught.*

No man could think he was long to enjoy his religion, liberties or property, if he could be made to believe that *the foundations of the church were undermined, and the government endangered, by filling it with its professed enemies*: and what could be the meaning of all that but only to make out, that her Majesty's administration, both in ecclesiastical and civil affairs, tended to the destruction of the constitution? and what could be the consequence of such an opinion instilled into the minds of the people, but dismal melancholy thoughts, seditious practices, and at last open force and violence.

The priests were to *cry aloud and spare not*, they were to *blow the trumpet in Sion*; and it was declared there were those that had lives and fortunes to maintain such truths as doctor Sacheverell had laid down: what those truths were might be seen through the whole course of the sermon; they were such, as was apprehended did not

at all tend to the strengthening the present government, tho' they might be serviceable towards setting up another.

This he said was not the spirit of the gospel, nor agreeable to the principle of the church of England; and they submitted it to their lordships judgment, whether that sermon were not seditious, and whether the prisoner at the bar was not guilty of high crimes and misdemeanors.

Mr. Chancellor of the Exchequer spoke next to this effect.

That he was commanded by the commons of Great Britain to bear his part in the management of the impeachment against doctor Henry Sacheverell, and particularly on that article. And believed after what their lordships had already heard they would think there was little need for him to say any thing on that head, yet he should take the liberty to mention a few particulars.

And first he could not but take notice, that in a sermon preached on a day appointed to commemorate the blessings they enjoyed by the late happy revolution, there was not one particular clause to shew forth those blessings, or the mischiefs that were then likely to have come upon the nation; there

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was a little indeed upon the gun-powder treason, but upon the revolution there was nothing, nor did the doctor take notice of the dangers they were in before it, in order to raise the devotion of the people, and their thanks to God for their deliverance; but all the tenour of his discourse had been to shew the male-administration of the government, and the dangers coming upon the church, ever since the revolution; so that it was plain he had no thoughts of the blessings of that deliverance, nor any dislike to the conduct of those times.

That the sermon had been preached in a place well chosen to attempt mischief in; the doctor well knowing that if he could raise an evil spirit in that great city, it would do more mischief than in another place where he had often attempted it: but God be praised he had been disappointed, and owned himself at another time that he did not expect the thanks of the court of aldermen for it.

He said, they thought it contrary to the duty of any private man to find fault with a law in being, or to declaim against the reasonableness of the same, which was raising in the people an ill opinion of the law-givers and the administration.

And there were some people, he wished their numbers did not in-

crease, who would not allow the church to be out of danger, whilst the civil magistrate had the government of the church; and those appeared publicly and in print, cancelling the Queen's supremacy, denying the authority of the laws, and erecting a church independent on the civil government; of which church he took the doctor to be, and very properly for his purpose, for there he might thunder out his bulls and anathemas without controul, there was a field for him to open his commission in, where he might sound his trumpet, and not preach peace.

But the commons could never admit the church, as established by law, to be in any danger during her Majesty's administration; it being guarded by her Majesty's piety and care of it; by the reverend bishops, who were so diligent and watchful in their functions, and which would always have the utmost assistance of the commons and their lordships, to support and maintain it: as for their independent church, he hop'd it would ever be in danger, and could not but think that wholesome severities were very proper to be apply'd to the broachers of such seditious doctrines, they being popish principles, and if they should obtain here would certainly

tainly bring in popery along with them.

That, he could not conclude without taking notice of a very unjust reflection made upon the commons in the doctor's answer, wherein he charged them with designing to restrain the ministers of the gospel from doing their duty, in recommending piety and virtue to their auditors. Those being doctrines so proper to come from the pulpit, such as recommended them would always meet with the countenance and encouragement of the house of commons; but when a clergyman acted contrary to his function,

and instead of reprovng vice and immorality, took upon him to reproach the government; when instead of preaching peace, and charity, and other moral virtues, he took upon him to raise jealousies, foment divisions, and stir up sedition, it was high time for the justice of the nation to put a stop to it: and as such a person they charged doctor Sacheverell, and thought they had made good their charge, and could not doubt their lordships justice upon the offender.

Then the lords adjourned to their own house.



Thursday



Thursday, March 2. The Fourth Day.

THE lords being come into *Westminster-hall*, and seated as before, the serjeant at arms made proclamation for silence, and for doctor *Sacheverell* to appear.

The doctor appearing accordingly, with his council, the lord chancellor directed the managers to proceed in their evidence.

Then Mr. *Lechmere* proceeded still upon the fourth article, saying,

Their lordships had adjourned the day before when the commons were proceeding on their fourth article, a share of which service was appointed to him, and the proofs they insisted on, in maintenance of that part of their charge, having been laid before their lordships with great exactness, and all the enforcements, they could well receive, having been already offered to them, by those gentlemen, that had gone before him; he found himself ac-

quitted from giving their lordships much trouble upon it.

That the charges contained in the precedent articles, were particular and distinct; of so high a nature in themselves, and of such eminent consequence to her Majesty and her government, that they had held themselves obliged, to treat each of them, with all imaginable clearness and solemnity; and that, from the true zeal and necessary concern, with which the commons, upon such a great occasion, were so justly inspired, for the honour of her Majesty, and the prosperity of her kingdom.

And the subject of that article being laid down in general positions, some of which were the result and consequence of the former articles; it would therefore be necessary to remind their lordships of the passages produced in support of them; as for the application of them, to the several branches of this charge, it

it was easie and obvious: The further Passages, pointed out to them the Day before, were many in number, and the Assertions positive, scarce liable to any Constructions, more innocent in themselves, or more favourable for the Prisoner, than what had been put upon them: But tho' the more flagrant parts of the Prisoner's Discourses had been distinguish'd to them, their Lordships could not fail of discerning that implacable Emnity, which ran through the whole; Their Lordships would find little in it of the Spirit of the Gospel, of the Temper of a Christian, or a good Subject, much less of a Messenger of Peace; for when the Heart was poison'd, the Corruption would be diffus'd throughout; when Principles were deliver'd from the Pulpit, that struck at the Root of the Government in being, and the future Establishment, and were Taught as Fundamental Rules both of Law and Conscience: only such Proofs, such Exhortations were to be expected from such a Preacher, as they had heard from that Man, such only, as might create universal Dissatisfaction, would disquiet the Minds, and tend to pervert the Obedience of the Subjects; such only as should be most likely to cherish and cultivate those Seeds of Sedition, which, when sufficiently Propagated, and brought up to their full Growth, could terminate in

nothing less than a total Destruction.

He said, he was then to acquaint their Lordships, That the Commons had gone through their Charge, wherein they had been heard by them, with great Candour and Patience; And that imperfect View, the best he was able to give them, in opening the Charge, had been amply supply'd by the great Sufficiency of what had follow'd; And from thence, he thought he had good grounds to tell their Lordships, that the Impeachment, of the Commons, in every part of it, had been substantially and effectually maintain'd.

Therefore, craving leave of the Doctor to borrow a Phrase which stood at the Head of the last Paragraph of his Sermon, *What was the Result* of that Proceeding so far? In opening the Charge, they had consider'd him, in the Condition of a Person accus'd, but the Proofs having been produc'd, and the Evidence being unquestionable, even from his own Mouth, and the false Colours of his Discourse being taken off, and his Scheme reduc'd to its true Consistency, by the Endeavours of other Gentlemen, to whose Tasks they had fallen, he ask'd leave to represent him to their Lordships in a true Light, and in his proper Colours.

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He said, their Lordships then saw that Gentleman, under the Reign of the greatest and best of Princes, that ever wore a Crown, whose Title to the Throne stood upon a more solid and indisputable Foundation than that of any Prince upon Earth, guarded and defended by the best Laws in the World, and the entire Affection of all her true Subjects, and which none could draw in question with any other Design than to weaken its Support:

They saw him, under an Establishment and Constitution, excellently contriv'd and adapted to answer all the good Ends of Government, which had withstood the open Assaults of Arbitrary Princes, and the more crafty Attempts of Papal Encroachments; And which, since the true Religion had been Establish'd among them; had been preserv'd in despite of the dangerous Endeavours of Papists, by dividing Protestants, to make way for its Destruction; A Constitution, which had happily recover'd itself, at the Restoration, from the Confusion and Disorders, it had been thrown into by the horrid and detestable Proceedings of Faction and Usurpation, and which after many Convulsions and Struggles, had been providentially sav'd at the late happy Revolution; and, by the many good Laws pass'd since that time, stood then upon a firmer Foundation; Together with the most com-

fortable prospect of Security to all Posterity, by the Settlement of the Crown in the Protestant Line:

Their Lordships had found this Person, at a time when the Church of *England*, as by Law Establish'd was in perfect Prosperity and Safety at Home, and in higher Reputation Abroad, than in any Age that had gone before it; At a time, when the Nation enjoy'd Peace and Tranquility, and all the good Effects of a prudent and successful Administration, demonstrated by the Harmony and Unanimous Endeavours of all Her Majesty's true Subjects to support it.

They had found him in the most solemn and publick Manner, leveling the most virulent Discourse against Her Majesty's Title to the Crown, and against the present Establishment, and calculated to favour the Pretension of Another;

Their Lordships found in it the same Principles reviv'd and avow'd by him in the same dangerous Extent, as in a late Reign, by the profest Instruments of Popery and Arbitrary Power, and apply'd in Condemnation of the Glorious Work of the late Happy Revolution;

He said, he could not aggravate the Offence, their Lordships would duly consider the Height and Quality

lity of it, they would think of a Satisfaction suitable to that, and to the just Expectation of the Commons.

That, the Nature and Length of the Proceeding having occasion'd many Interruptions, they were yet assur'd, that no Misconstruction would be permitted by their Lordships, of what might have fall'n from any of them: They likewise took Notice to their Lordships, that the Commons had very readily acquiesc'd in their Appointment of Counsel to assist the Prisoner; Which their Lordships had inform'd them in the beginning of the Cause, had been done in great Benignity to him, in assigning him those Council, which he himself had ask'd, and, doubtless such, as were according to his own Heart's Desire; And the Commons were assur'd, that those Gentlemen would understand the Regard, that was due to the Nature of that Cause, and to the Dignity of a Proceeding, wherein the Commons of *Great Britain* appear'd as Prosecutors.

And the Commons conceiv'd, they had Reason to take great Satisfaction from the present Proceeding, whereby they had the Opportunity to assert the Freedom and Excellency of the Government, and the Justice of the present Establishment, in the most solemn Manner, and before the most August Judicature in the

World; which single Consideration show'd their Lordships of what Malignity the Prisoner was capable, who had set himself to disorder and destroy so happy and so beautiful a Constitution.

They desir'd to put their Lordships in mind of those Felicities, which in their Opinions, accompany'd that Prosecution; when they saw so many of their Lordships the Judges of that great Cause, who had so great a Share in that Deliverance, which they were then call'd upon to vindicate; so many others of their Lordships, the Sons of those Fathers, who had joined in it; and who had the same Blood still running in their Veins: And when they consider'd that firm and steady Zeal, which every one of their Lordships had shown in Support of the present Settlement, what Doubt could they entertain of their most impartial Justice?

They further observ'd it, as the great Security of their Impeachment, That no Endeavours could prevail to prevent their Lordships Judgment upon it, nor any Means succeed to defeat its Effects:

He concluded, they had thought it necessary, in discharge of the great Trust repos'd in them by the Commons, to go thorough the whole Charge together, that their Lordships might have it entire: and he was

was only to add, That they did reserve to themselves the Liberty of replying to what should be offer'd on behalf of the Prisoner, and of every other Legal Advantage, that should arise to them in the Progress of their Impeachment.

The Lord Chancellor then ask'd the Commons, whether they had gone through their Charge, and Mr. *Lechmere* answering, they had; he said, they that were appointed Council for Doctor *Sacheverell* might proceed, to his Defence.

But *Sir Simon Harcourt* told their Lordships, That three whole Days having been taken up by the Gentlemen of the House of Commons in Maintenance of their Charge, and

that Day being so far spent, he was bound in Duty humbly to represent to their Lordships, that it would be impossible for them to go through the very first Article so as to finish in any reasonable Time. But they humbly expected their Lordships Commands.

Several of whom cry'd Go on, Go on.

And *Sir Simon Harcourt* said, they must receive their Lordships Commands; but thought it of great Importance to go through the first Article at once, if their Lordships pleas'd to give them Leave.

Then the Lords Adjourn'd to their own House.



Friday,



Friday, March 3.

The Fifth Day.

TH E Lords being seated in *Westminster-Hall*, as before, the usual Proclamations made for silence, and for Doctor *Sacheverell* to appear.

And the Doctor appearing accordingly, with his Council, the *Lord Chancellor* order'd the Council for the Prisoner, to proceed to his Defence.

Then Sir *Simon Harcourt* apply'd himself to the Lords in Behalf of his Client, and said,

He was Council for Doctor *Sacheverell*, who stood Impeach'd in the Name of all the Commons of *Great Britain* of High Crimes and Misdemeanors; the Crimes suppos'd to have been committed by him being contain'd in four Articles; the three last of which he begg'd leave to post-pone without mentioning any thing of them, till they had all concluded what they had to offer and lay before their Lordships, as to the several Charges

contain'd in the first, and endeavour'd to satisfy their Lordships, That notwithstanding what had been Objected by the Gentlemen of the House of Commons against the Doctor, in Maintenance of that Article, he was an innocent Man.

That the first Article contain'd three distinct Charges, on which they would proceed as they lay in order, The first of them being *That he suggested and maintain'd, that the Necessary Means us'd to bring about the late happy Revolution were Odious and Unjustifiable.* And their Lordships had been inform'd, that by this Expression of *the Necessary Means*, mentioned in the first Article, the Gentlemen of the House of Commons intended his late Majesty's glorious Enterprize for delivering this Kingdom from Popery and Arbitrary Power, and the Subjects of this Realm well affected to their Country, joining with and assisting him in that enterprize; and in a shorter Description it had been explain'd, that

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those Necessary Means were, the Subjects Resistance to their Unfortunate Prince then upon the Throne. Of which Resistance the Doctor had made no mention in his Sermon; he had indeed affirmed the utter Illegality of Resistance on any Pretence whatsoever to the Supreme Power, but it could not be pretended, that any such Resistance had been used at the Revolution; the supreme power in this Kingdom being the legislative power, and the Revolution having taken effect by the Lords and Commons concurring & assisting in it. Whatever therefore the Doctor had asserted of the utter Illegality of Resistance, his Assertion being applied to the supreme power, could not relate to any Resistance used at the Revolution, and consequently could not be an Affirmance, that such Resistance, or such Necessary Means, were Odious and Unjustifiable.

That one of the Learned Gentlemen, who spoke the third Day of the Trial, in Maintenance of the last Article, had concurred with him in that, and objected it to the Doctor, That he had guarded himself by confining his Assertion to the supreme power, without averring the utter Illegality of Resistance to the Queen; but had he in express Terms affirmed the Unlawfulness of such Resistance; yet by the same Arguments which had been used,

the Doctor would have been told, he had been preaching a slavish doctrine.

That another Gentleman of the House of Commons, (and he thought there were but two of them who had taken notice of that expression of the doctor's of *the Supreme Power*) observed, that the doctor had asserted the Illegality of Resistance to the Supreme Power on any Pretence whatsoever, which Power he admitted was the Legislative, and declared, if the doctor had really meant that Power, he should not have differed from him; and without doubt, their Lordships and all persons would concur with him, that it was utterly unlawful to resist the supreme power.

However that Gentleman being satisfied, tho' the Doctor had expressly mentioned the Supreme Power, which was the Legislative, that he certainly intended the Supreme Executive Power, had concluded him to be guilty of the Charge in the first Article; which he also mentioned as an Instance of the great Mercy and Lenity of the House of Commons, who might have proceeded against him for High Treason, as a *Parson* in one of the late Reigns had been Prosecuted for Words, which he thought less offensive, and dangerous, than that Assertion preach'd by Dr. *Sacheverell*; and yet that Gentleman had

had been pleas'd to say, that had a Dissenter, whose Affection to the Government stood unsuspected, express'd himself as the Doctor had done, the Gentlemen of the House of Commons would not have thought fit to have prosecuted him.

The Case alluded to Sir Simon Harcourt took to be the Case of Mr. Roswell, a Non-conformist Minister; Indicted in the 36 Car. 2. for Words by him spoken in a Sermon preach'd at a Meeting-house, and the Prosecution carryed on through the Violence of those Times, and generally detested; yet being Convicted; on cooler Thoughts, and consideration of the Uncertainty in his Expressions, that they could not amount to such a Crime, as he stood charged with, Judgment was Arrested, and Mr. Roswell discharged.

That another learned Gentleman, upon opening the Charge had been of Opinion, that the Doctor, in his Assertion of the Illegality of Resistance to the Supreme Power, did really neither mean the Legislative, nor Executive Power, but had the Pretender in his View; which was diving into the Secrets of his Heart, and searching into his Thoughts, only known to God, which had been urged to avoid the strange Inconsistency, in concluding, that the Doctor should be endea-

vouring to undermine the Government, by preaching up the utter Illegality of resisting it.

Now if there were a double Sense, in either of which those Words were equally capable of being understood; if in one Sense the Doctor's Assertion were undeniably clear, but in the other some Doubt might arise, whether his Words were criminal or not, the Law of England was more merciful, than to make any Man a Criminal, construing his Words contrary to the Natural Import of them, in the worst Sense. Which was the great Justice and Clemency of the Law, in every Man's Case; but some Persons were intitled to have a more favourable Construction put on all their Words and Actions, than others were, such as Persons acting in Execution of their Offices, in Obedience to Authority, or by a Commission from the Crown, such Persons being looked upon, as under the immediate Protection and Care of the Law: Then how much more reasonable was it, that Ministers of the Gospel, who had their Commission from God, and spoke in his Name, should have the most candid Interpretation made of whatever they said; which he was persuaded, had been one of the chief Reasons in the Case of Mr. Roswell to allay the Rage of that Reign, and obtain Mercy for him, tho' a Non conformist Minister under a Conviction of High-treason.

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That 'twas a hard Fate attended that unhappy Gentleman, if he should lye under the Imputation of being thought an Enemy to the Revolution, and to the then happy Establishment, on that Foundation: For what Evidence would their Lordships expect he should produce to clear himself? He had shown his Submission to the Revolution, from the first Moment his Years had made him capable of doing so; he had given all the publick Testimonies of his Fidelity and Affection to the last Reign, as well as the present, which the Government had ever required from the most suspected Persons; he had taken the Oath of Allegiance, and the Abjuration, and sign'd the Association. 'Twas a miserable Case any Man was in, if after he had taken the Abjuration, the utmost which was required, he should still be told he had indeed abjured the Pretender, but had not yet forgot him. If neither the In-offensiveness of the Doctor's Behaviour nor his Words, nor Oaths could satisfy, if after all those Demonstrations the Doctor had given of his Fidelity, he was still liable to be censured, what Satisfaction was it possible for him to give?

But, If the Manner of that solemn Prosecution had not altered the Nature of Things, Sir *Simon* hoped he might insist, without putting in a Claim of Right in behalf

of all the factious and seditious people in the Kingdom to revile the government at pleasure, That by the then happy Constitution, a Subject of *England* was not to be made Criminal by a laboured Construction of doubtful Words; or, when that could not serve, by departing from his Words, and having recourse to his Meaning. There had been too many Instances of that Nature before the late happy Revolution; which had put an End to such arbitrary Constructions.

He said, he might trouble their Lordships on that Head with Multitudes of Authorities, but should mention only one; which was an Authority of their Lordships, upon a Writ of Error, immediately after the Revolution; Sir *Samuel Eardiston's* Case; and he beg'd leave to refer to their Lordships Journal, May 14, 1689. That gentleman had been called in Question in the Reign of King *Charles* the second (*Hill. Term* 1683.) for writing some Letters suppos'd to be Seditious, and highly reflecting on the government, and the publick Justice of the Nation at that Time.

Upon his Trial he had been represented as a seditious Man, of a turbulent Spirit; and being so painted by the Chief Justice who tried him, tho' his Actions were inoffensive, a Verdict was obtain'd against him, and Judgment was to be given;

Given; not being looked upon as an inconsiderable Man, not as a Tool of his Party, but as one of the Heads of it, a fine of ten thousand pounds had been set on him.

Their Lordships had revers'd that judgment, and as a glorious Instance of their Justice, not contenting themselves with the Right they had done in the case then before them, at the same time provided, as far as possible, that no innocent person, in after Ages might suffer wrong. Their Lordships therefore, in an extraordinary Manner, ordered the reason of their Judgment to be entered in their Journal, in the following Words: *First, the Information in that Case having been grounded upon Letters, which in themselves were not criminal, but made so by Innuendo's, their Lordships declar'd that Innuendo's, or suppos'd and forc'd Constructions, ought not to be allow'd for all Accusations should be plain, and the Crimes ascertain'd.*

He hop'd it was needless to his present purpose to read them the second Reason; but as 'twas another Instance of their Lordships Justice, which ought never to be forgot, he should take the Liberty of doing it: It related to the Fine of ten thousand pounds, and tho' Sir Samuel Barnardiston was a Gentleman of a very considerable Estate, their Lordships had declared

Secondly, That the said Fine of ten thousand pounds was exorbitant, and excessive, and not warranted by legal Precedent in former ages; for all Fines ought to be with a Salvo contentemento suo, and not to the party's ruin.

Those were their Lordships Declarations in that Case; and if there were any Uncertainty or Doubt in the Doctor's Expressions, their lordships he hoped would put the most favourable Construction on them.

What he had hitherto offered, Sir Simon said, was with Relation to those Words, *The Supream Power*; but that which he took to be the main Objection in that Case, was, That the Doctor's Assertion of the Illegality of Resistance must be necessarily understood with Reference to the executive Power; And if it were utterly illegal in any case, upon any pretence whatsoever, then it had been unlawful at the Revolution: whence the Consequence was drawn, that the Doctor was guilty of that first Charge, of *maintaining, That the necessary Means us'd to bring about the happy Revolution had been odious and unjustifiable.* This he took to be the force of the Objection.

He therefore declared, There was nothing further from their Hearts, or less necessary to the Doctor's Defence, than to dispute or

call in Question the Justice of the Revolution; they were so far from it, as to look on themselves to be arguing for it, whilst they were endeavouring to shew their Lordships, that the Resistance used at the Revolution, was not inconsistent with the Doctrine of the Church, and with the Law of *England*, and that the Doctor had us'd no other Language, than what they both spoke.

That when their Lordships had laid aside what had been urged the second Day, to shew the Justice of the Revolution, and to aggravate the Doctor's Offence, supposing him guilty, the matter would lye in a very narrow Compass; and he was in hopes there would not appear to be so great a difference as had been represented, between the Doctor in his Assertion concerning the Illegality of Resistance; and some of the Gentlemen of the House of Commons; he could not say, he differ'd from many of them in their Notions of Allegiance, as stated the second day of that Tryal.

The first Thing he insisted on, supposing that general Assertion to relate to the supream executive Power, was, that the Doctor had not in any Part of his Sermon applied it to the particular Case of the Revolution.

It had been insisted on the first

Day, that he had not only asserted the utter Illegality of Resistance to the supream Power, on any Pretence whatsoever; but had also expressly affirm'd, the Revolution to be no such a Case as ought to be excepted out of his General Rule.

That Sir *Simon* denied, and said, if such an Expression could be found in the Doctor's Sermon, he should think no punishment too great for him. But it was one Thing expressly to affirm the Revolution to be such a Case as ought not to be excepted out of his General Rule, and another Thing, not to make the Objection.

That the Apostle, who had in general Terms enjoin'd the Duties of Obedience and Non-Resistance to the higher Powers, had made no Exception when he laid down those Precepts; nor on the other Side, had he said, no such Case could ever happen, wherein Obedience was not to be paid, or Resistance not to be made, he was silent in that matter; and the Doctor's Expression, in that Case, was agreeable with that of the Apostle.

That to prove the Doctor guilty of that first Charge, and his directly applying his general Rule of the Illegality of Resistance to the supream Power, to the particular Case of the Revolution, a learned Gentleman (who had maintain'd the

the first Article) on the second day of that Trial, first stated to their Lordships the Page wherein the Doctor mentioned the utter Illegality of Resistance, and read that Page in the following Words: 'The Grand Security of our Government, and the very Pillar upon which it stands is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the supreme Power, in all Things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever.'

And then, shew'd the Doctor went on and said, 'Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this point, when they urge the Revolution of this Day in their Defence'.

Which might very reasonably make an Impression upon their Lordships, for want of comparing those several Passages in the Doctor's Sermon, at the same time that Objection was made. But he begg'd their Lordships would observe the distance of those two Passages from each other, between twenty and thirty Lines, in which several distinct and entire Sentences were contain'd.

The next Method us'd to prove the Doctor guilty had been by ta-

king the passage in itself, independently, from any other; and that he own'd to be the true Way of considering it; And taking it in the manner, 'twas objected, If in no Case whatsoever 'tis lawful to resist, 'twas then unlawful at the Revolution. Such a Doctrine must be a slavish Doctrine. An unlimited Passive Obedience and Non-Resistance was a slavish Notion.

Sir Simon declared, that Doctor Sacheverell did not contend for it, nor was there any thing mention'd in his Sermon of such an Obedience or Non-Resistance.

The small Difference between the Gentlemen of the House of Commons, who thought that Expression so highly criminal, and the Doctor, who still conceived it to be otherwise, being, whether, when the General Rule of Obedience was taught, the particular Exceptions, which might be made out of that Rule, were always to be expressed, or whether, when the General Rule was laid down, the particular Exceptions, which might be made out of that Rule, were not more properly to be understood or imply'd.

He humbly apprehended, that extraordinary Cases, Cases of Necessity, were always imply'd, tho' not express'd, in the General Rule.

The Revolution had been such a Case,

Case, when the unhappy Sovereign, then upon the Throne, misled by evil Counsellors, had endeavoured to subvert and extirpate the Protestant Religion, and the Laws and Liberties of the Kingdom.

The General Rule ought always to be press'd, but the Exceptions of extraordinary Cases, of Cases of Necessity, were never particularly to be stated. To point out every such Case before-hand was as impossible, as it was for a Man in his Senses not to perceive plainly when such a Case happened.

He beg'd Leave to close what he had offer'd to their Lordships on that Head, with an Observation borrow'd from Mr. Pym, at his delivering the Charge against Doctor *Manwaring*. Mr. Pym, speaking of the Dutchy of *Normandy*, observed; that the said Dutchy, lying under some Grievances, contrary to their Franchises, had made Complaint to *Lewis* the tenth, who acknowledging the Right and Custom of the Country, and that they had been unjustly grieved by his Charter, provided that from thenceforwards they should be free from all Subsidies and Exactions to be impos'd by him, and his Successors, but with this Clause, *Unless when great Necessity required*; which small Exception, Mr. Pym observ'd had devoured all their Immunities granted by that Charter.

Sir *Simon* was of Opinion he might as reasonably conclude, that if Clergymen, or others, in their Sermons, Writings, or publick Discourses, instead of preaching up the general Rule of Obedience, were permitted to state the several extraordinary Cases, which might arise, the several excepted Cases, which, notwithstanding the general Rule were imply'd; such Exceptions would in Time devour all Allegiance.

That having thus stated to their Lordships the Question between them, whether such excepted Cases as the Revolution were not more proper to be left, as implied, than to be express'd, when the general Duty of Obedience was taught; he said, he should endeavour to satisfy their Lordships, First, that the Doctor's Assertion of the *Illegality of Resistance to the supream Power on any Pretence whatsoever*, in general Terms, without expressing any Exception, was warranted by the Authority of the Church of *England*: And Secondly, that the same manner of Expression was agreeable to the Law of *England*.

First, That as to its being warranted by the Authority of the Church. Their Lordships had been informed, on the first day of the Tryal, how bravely even their popish Ancestors had asserted the Legality and indispensable Duty of Resistance,

sistance, whenever they thought the Liberty of their Country required it; but that at the Reformation, when Truth began to shine out, then it became evident that the Notion of the Illegality of Resistance was a slavish Doctrine.

And the learned Gentleman who had mentioned it undoubtedly pitched on a very proper Time to begin his Search after Truth; and from thence Sir *Simon* would endeavour to trace it.

One very early Authority in the Dawn of the Reformation, he found in a Book intitled, *A necessary Doctrine and Erudition for any Christian Man*, published by the King's Command, 34. H. 8. Being a Treatise compos'd by the Direction of *Cranmer*, by *Ridley*, *Redmayne*, and other very great and learned Men.

He found it highly commended in the History of the Reformation (Part 1. Book 3. Pag. 286.) The Reverend Author of that History giving an Account how well the Reformers were employed (*Anno* 1540.) tho' not in the Way of Convocation; that a select Number of them then sate, by Virtue of a Commission from the King confirmed in Parliament; and their first Work had been to draw up a Declaration of the Christian Doctrine for the necessary Erudition of a Christian Man, and (Pag. 298.)

that 'twas set forth, with a Preface, written by the Clergy employed in it, declaring with what Care they had examined the Scriptures, and the ancient Doctors from whom they had gathered that Exposition of the Christian Faith.

In that Treatise Sir *Simon* said he found the following Passages: (In the Exposition of the fifth Commandment;) *And by this Commandment also Subjects be bound not to withdraw their Fealty, Truth, Love, and Obedience towards their Prince, for any Cause whatsoever it be; nor for any Cause they may conspire against his Person, nor do anything towards the Hindrance nor Hurt thereof, nor of his Estate.* In the Exposition of the sixth Commandment: *Moreover, no Subjects may draw their Swords against their Prince for any Cause whatsoever it be.* And that Reverend Father of the Church, who had obliged the Publick with that excellent History of the Reformation, and received the Thanks of both Houses of Parliament for it (pag. 291.) declared those Expositions of the Commandments to be very profitable.

Tho' the Treatise containing those Expositions, had been published in a Popish Reign, yet as an undeniable Evidence of the Doctrine of Non-Resistance there taught, being a Protestant Doctrine, he would show their Lordships, that the reverend

verend Author of the History of the Reformation had himself asserted it, in much stronger Terms, than Doctor *Sacheverell* had done.

In *Edward* the VIth's Time; the first Book of the Homilies, prepar'd by the Clergy, was published by the Royal Authority; in which were three Parts of a Homily, or rather three distinct Homilies of Obedience. In one of which was the Passage mentioned in the Doctor's Answer. *Hear good People, mark diligently; It is not lawful for Inferiors and Subjects, in any Case to resist and stand against the Superior, Powers, for St. Paul's Words be plain that whosoever withstandeth, shall get to themselves Damnation; for whosoever withstandeth, withstandeth the Ordinance of God.*

In Queen *Mary's* Reign, when the Darknes of Popery again overspread the Nation. Resistance to Princes being a Doctrine of the Church of *Rome*, their Lordship would not expect any Authentick Evidence to be produc'd out of that Reign, in Maintenance of the Doctrine of Non-Resistance.

That when Queen *Elizabeth* came to the Crown, and the Truth of the Gospel shone forth, then six Homilies had been added to the other three against Disobedience and wilful Rebellion: In which their Lordships would find many Passa-

ges wherein the Duty of Non-Resistance was press'd and inculcated, in much stronger Terms than it had been asserted by Doctor *Sacheverell*. And the thirty nine Articles being agreed upon in that glorious Reign, by the Arch-bishops and Bishops of both Provinces, and the Clergy in Convocation; by the 35th of them the Homilies were declared to contain *a Godly and wholesome Doctrine*, and were ordered to be read in Churches, by the Ministers, diligently and distinctly, that they might be understood of the People.

That in the 13th Year of that Reign, a further Sanction had been given to the Homilies; the thirty nine Articles then confirm'd, and every Person in Holy Orders to be admitted to any Benefice with Cure, required by Act of Parliament made in that Year to subscribe and read them in the Church, and declare his unfeigned Assent thereto.

That her most gracious Majesty then on the Throne, as far surpassing her renowned Predecessor, Queen *Elizabeth*, in supporting the Protestant Interest, and in her Care for the Security of the Church of *England*, as in all the other Successes and Glories of her Reign, had given a perpetual Sanction to the Books of the Homilies, by inserting in the Act of *Union* the Act made the 13. *Eliz.* which confirmed the 39 Articles, by the 35th of which
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the Doctrine of the Church taught in the Homilies had been approv'd, and declaring that Act, 13 *Eliz.* to be an *essential and fundamental Part of the Act of Union*; so that he might then conclude, the Doctrine of the Church of *England* taught in her *Homilies* would continue as long, as the Union of the two Kingdoms, which he heartily prayed might be to the World's End.

And the Homilies of the Church subsisting on those Authorities so ratified by the Articles and Acts of Parliament, the Doctor had the concurrent Authority of the Church and State, for what he said concerning the Illegality of Resistance.

If the Doctrine of Non-Resistance were taught in the Homilies in General Terms, as Doctor *Sacheverell* had asserted it, without any Exception; If the Articles of Religion declar'd the Doctrine taught in the *Homilies* to be a godly and wholesome doctrine, would their Lordships permit that Gentleman to suffer for preaching it? Could it be Criminal for any Man to preach that Doctrine, which 'twas his Duty to read? The Doctor was not only required by the 35th Article to read that Doctrine diligently, and distinctly, that it might be understood by the People; but to shew their Lordships, the Doctrine taught in the *Homilies* had not dy'd, nor been altered at the Revolution, he must

observe to their Lordships, that the Rubrick of the Office appointed for the 5th of *November*, by the late Queen of blessed Memory, directed the Clergy on that day, in case there was no Sermon, to read one of those *Homilies* against Rebellion.

Since therefore the Doctor had rather chose to preach, than to read a *Homily* on that Day, he could not better comply with the Command of her late Majesty, than by preaching the same Doctrine as was contained in those *Homilies* he was commanded to read on that Day if he did not preach.

That the Act of Parliament, inserted in the Act of Union, enjoining him to subscribe to that Doctrine, before the Ordinary, and declare his unfeigned Assent to it; in his Parish Church, it were hard for him to be condemned in Parliament for asserting the Truth of it.

He granted the 35th Article was not by the Toleration Act (to give no Offence by calling it by its true Name) required to be subscribed by any Persons dissenting from the Church of *England* to entitle them to their Exemption from the Penalties mentioned in that Act. But that Act of Parliament had no Way varied the Case, with respect to the Clergy; but that whatever duty was incumbent on them before was so still, and therefore he hop'd their
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Lordships would not think that Gentleman had so highly offended.

by them, as far as he could judge than what the Apostles taught before them.

As a further Proof that the Doctrine of Non-Resistance, as laid down by the Doctor in general Terms, without making any Exception, was the Doctrine of the Church of England, Sir Simon Harcourt said, that he would shew their Lordships, that it had been so preached, maintained, and avow'd, and in much stronger Terms than the Doctor had expressed himself, by the most Orthodox and able Divines from the Time of the Reformation.

But since it would be too tedious to offer all the Authorities that might be produced on that Occasion; he would beg Leave to lay before them some Passages out of the learned Writings of nine Archbishops, above twenty Bishops, and of several other very eminent and learned Men of the Church of England.

And that their Lordships might not think that Doctrine had expired at the Revolution, he should lay before them the Opinions of three Archbishops, and eleven Bishops, since the Revolution, which would fully shew the Doctrine of Non-Resistance was still the Doctrine of the Church; He would not willingly give Offence in naming them, being sure he meant no Reflection, nor could it, as he thought, be any Reproach to them: As finding no other Doctrine in that Case, taught

And therefore with their Lordships Leave, he would presume to name them, and they were Archbishop Tillotson, the two present Arch-bishops, Bishop Stillingfleet, late Bishop of Worcester, the present Bishops of Worcester, Rochester, Salisbury, Ely, Bath and Wells, Lincoln, Exeter, St. Asaph, Carlisle and Chichester. If he could shew their Lordships that all those Right Reverend Fathers of the Church had preached the same Doctrine as the Doctor, could the same Words from their Mouths to be received as Oracles of Truth, but spoke by the Doctor, be made fit for Articles of Impeachment?

He said he was sure it could not enter into the Heart of Man to conceive that what those reverend Prelates had asserted, that any general Position they had laid down concerning Non-Resistance, was an Affirmance that the necessary means us'd to bring about the Revolution had been odious and unjustifiable: How then could Doctor Sacheverell be charged with having suggested or maintained any such Thing, for having taught the same doctrine, in the same manner as they had done.

He said he could not suppose that doctrine, so established by so many Reverend

Reverend Fathers of the Church, to be erroneous. If an intemperate Expression concerning one Arch-bishop, who had been dead above a hundred Years, was fit to be inserted in an Article of Impeachment of high Crimes and Misdemeanours, what Punishment should he himself deserve, could he suppose the Doctrine taught by so many Arch-bishops and Bishops to be erroneous.

But if he might hope to have been excused, in case he made the Supposition, that the Homilies of the Church contained false Doctrine, and that so many of the Right Reverend Fathers of the Church, had been capable of Erring, or being ignorant in the Doctrine of their Church, he humbly proposed it to their Lordships, whether a Clergyman erring after so great Examples, might not reasonably have hoped for a more moderate Correction, than an Impeachment?

Had that slavish Doctrine of Non-Resistance been first branded with its indelible Mark of Infamy, and the right and indispensable Duty of Resistance to Princes plainly shewn; had all the slavish Notions of the common Law which might be found dispersed throughout the Law-Books, and countenancing that Doctrine of Non-Resistance, been first weeded out of them, and some few Acts of Parliament, entirely agreeable with that slavish Doctrine,

been first repealed; had the People been set right in the Notions of their Obedience, and the Ministers of the Gospel been instructed by Act of Parliament what Doctrine they ought to preach, and what not; had all these Things been first done, and the Doctor had afterwards erred, their Lordships might have then looked upon him, as an obstinate Offender.

The next Thing he begged leave to consider was, the Law of *England*; whether the Doctor's Assertion of the *utter Illegality of Resistance to the Supreme Power on any Pretence whatsoever*, in general Terms were agreeable to the Law of *England*, and hoped he needed not against explain himself as to that Particular, his Meaning was, that as the general Rule had been always taught and inculcated by the Church, so it had always been declared by the Legislature, without making any particular Exception; and if that Rule held both in Church and State, that Gentleman was strangely unfortunate, if he could not be comprehended under one, or other of them.

He said, whatever might in any former Time have been thought proper to be done by Parliament; whatever Measures the People in Cases of the last Necessity, might have taken for preserving their Liberty, asserting the Rights of their Country,

Country, and keeping themselves from Slavery; yet no Instance could be shew'd in any Age, not even in the Reigns of those Princes who had been deposed, that the Doctrine of the Right of Resistance, as it was termed, had been ever permitted to be asserted by any particular Person.

A memorable Case to which purpose had happen'd in the Reign of King *Edward* the Sixth; and was, that an Act of Parliament pass'd in the fifteenth Year of that Reign, intituled, *Exilium Hugonis de Spencer Patris, & Fillii*, by which Act the two *Spencers* had been banished, and the first Article in that Act against them, was, "That they had affirmed and published in Writing that Homage and Oath of Allegiance were due more by reason of the Crown, than by reason of the Person of the King; and that if the King did not demean himself according to Reason, in the exercise of his Government, his Subjects might remove him; And that since that Removal could not be by Course of Law, they might therefore remove him by Force." That the Time when that Act passed, and what afterwards happen'd was remarkable.

The Act was repealed soon after the making of it, and 'twas thought necessary then, that the People should assert that Right, and there-

upon the King was deposed.

However their Lordships would find in that King's Successor's Reign they had been so far from casting any Blot on the Act of Exile, that in the 1 *Edw.* 3. the Repeal of the Exile was annulled, and the Act of Exile confirmed, by one of their first Acts.

He did not deny but that in the 21st Year of *Rich.* 2d. the Act made the first *Edw.* 3. for annulling the Repeal of the Exile had been repealed, and the Reversal of the Act of Exile confirm'd; but then again in the 1st of *H.* 4. the whole Parliament held the 21st *Rich.* 2. and all the Proceedings in it, for their Extravagance, were annulled, and from thence the Act of Exile of the two *Spencers* continued untouched.

He could not but observe to their Lordships, that though there were two Repeals of the Act of Exile, yet neither of them mentioned the Matter contained in the Articles as insufficient, but the Reasons assigned in the Acts of Reversal were, that, "In the Proceedings against the *Spencers* the great Charter had not been observed, for the Prelates had not been present, nor assented thereto; besides some other Defects in Form.

That what Opinion our greatest Lawyers

Lawyers since had of that Act of Exile, sufficiently appeared, Co. 7.

II. *Calvin's Case*, the Words these, 'In the Reign of *Edw. 2.* the *Spencers*, the Father and the Son, to cover the Treason hatched in their Hearts, invented this damnable and damned Opinion, That Homage and Oath of Legiance was more by reason of the King's Crown, (that is of his Politick Capacity) than by reason of the Person of the King; upon which Opinion, says the Lord Chief Justice *Cook*, they inferred most execrable and detestable Consequences.

'First, If the King do not demean himself by reason in the Right of his Crown, his Leiges are bound by Oath to remove the King,

'Secondly, Seeing that the King could not be reformed by Suit of Law, that ought to be done by Force: All which were condemned by two Parliaments, one in the Reign of *Edw. 2.* called, *Exilium Hugonis Le Spencer*, and the other 1 *Edw. 3. Cap. 1.*

He said he barely mentioned those Acts to show, that however applicable the Case of the Revolution might be to that of King *Edw. 2.* yet those very Persons, by whom the King was depos'd, thought it so high a Crime in the two *Spencers*, to take on them to publish such Po-

sitions, as to deserve Banishment.

The next Law he begged Leave to mention, was, the 25. *Edw. 3. Cap. 2.* which in general Terms declar'd, *the levying War against the King in his Realm* to be *High Treason*, without any Exception whatsoever. Which was an instance of what he contended for, that the Law, in all Cases concerning our Allegiance, laid down the General Rule, without making any Exception.

So in the Oath of Obedience, (as enjoined 3 *Ja. 1. 4.*) all Persons were to swear *to defend the King to the utmost of their Power, against all Conspiracies and Attempts whatsoever, which should or might be made against his Person, Crown or Dignity.*

He urged the Oath was in general, without any Exception expressed in it; and no Man would presume to say, that Oath, which had been taken from the 3 *Ja. 1.* 'till after the Revolution, was not true. But the Answer to be given was, the same he gave in this Case, that Cases of Necessity, such as the Revolution, were imply'd, they were improper to be expressed, and why might not the like Implication be equally allowed in the General Assertion made by Doctor *Sacheverell*? By the Act made 12. *Car. 2. c. 50.* for Attainder of the Regicides, it was

declared, that by the undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor in the People collectively, or representatively, nor any other Persons whatsoever, ever had, hath, or ought to have, any coercive Power over the Kings of this Realm.

That Act, Sir Simon declared he could not apprehend to be repealed, and if it were not, he besought their Lordships that Doctor Sacheverell might be try'd by it; and that they would be pleased to consider whether the Doctor's Assertion concerning Resistance had out-gone the Declaration in that Law.

For their Lordships heard how fully the Fundamental Law of the Kingdom was declared by that Act; and the Doctor had only said, *'Tis illegal to resist the Supreme Power on any Pretence whatsoever.* It might possibly be observ'd that the Expression at the End of that Declaration, extended only to a Coercive Power over the Person of the King; and what Inference might be drawn from thence, he knew not, but certainly there was nothing in the Doctor's Sermon but what might be abundantly justified by the Declaration in that Act.

That, the Militia Act, the 13th and 14th Car. 2. Cap. 3. for ordering the Forces in the several Counties of the Kingdom contained a Declaration as strong as the former; for by that Act 'twas declared, that neither both or either of the Houses of Parliament could, or lawfully might, raise or levy any War, offensive, or defensive, against his Majesty, his Heirs, or lawful Successors.

That when he perus'd this last Declaration in the Recital of the Act, he had read carefully to the End of it, to look for the Exception, but could find none; and if there were no Exception in that Act, but that it stood as a general Declaration of the Law; if neither nor both the Houses of Parliament could or might raise and levy War, offensive, or defensive, against the King, could it be a high Crime and Misdemeanour to assert in general Terms that Resistance to our Prince was unlawful? He therefore prayed their Lordships would compare the Doctor's Assertion in his Sermon with the Declaration in that last Act of Parliament.

He further instanc'd, That by the Corporation Act, 13 Car. 2. Sess. 2 cap. 1. all Mayors, Aldermen, Common-Council-Men, and other corporate Officers there enumerated, were required to take an Oath,

Oath, That it is not lawful upon any Pretence whatsoever to take Arms against the King. By the Militia Act, already mentioned, the same Oath, That it is not lawful on any Pretence whatsoever to take Arms against the King, was required to be taken by every Peer of the Realm, before he could be capable of acting as a Lieutenant, or Deputy Lieutenant; and by every Commoner of England, before he could be capable of acting as a Lieutenant, Deputy Lieutenant, Officer or Soldier in the Militia, and by the Act of Uniformity, 13 & 14 Car. 2. Cap. 4. all Ecclesiastical Persons, and many others under the several Denominations in that Act, were required to subscribe to the Truth of that Assertion, That it is not lawful on any Pretence whatsoever to take Arms against the King. That such was the Language of the Laws, and the like the Apostles had us'd in their Precepts touching Obedience and Non-Resistance to the Supream Power.

Parliament, as to that Oath, were thereby repealed.

That, Sir Simon thought a very tender Repeal, if it were one; but admitting it to be one, it seemed to have been argued from thence by a Learned Gentleman, with whom in many things he no way differed, that the Doctrine of Non-Resistance was become the more Unlawful, because that Oath was not to be taken thenceforward.

But as the Corporation Act required the Swearing 'twas not Lawful to take up Arms against the King, so did it direct the Subscribing to the Unlawfulness of the Solemn League and Covenant; and then by the same Argument, the Solemn League and Covenant might be proved to have been a Lawful Oath.

He besought their Lordships to consider, whether the Repeal of that Oath could have any Weight with their Lordships. For that was a general Assertion, to which all the Peers and Commoners, in the Employments mentioned, were to swear; and there was no Exception in the Oath, but what was implied in it.

Then the Question would be, whether the Proposition was not as true before it was Sworn, as after?

However he was to observe, that an Objection had been made to those several Acts, that by an Act made in the Second Year of the late King and Queen, 'twas Enacted, That from thenceforth the Oath enjoined to be taken or subscribed, by the several Acts mentioned, should not be required to be taken by any Person whatsoever; and that the former Acts of

ter? Whether it was therefore true because 'twas Sworn, or was it Sworn because it was it true? Whether the Swearing it made true, or the Truth made it fit to be Sworn? If it was true when it was Sworn, the Proposition was equally true before, and since. And he believed since the Oath had been taken by so many Peers and Commoners, no Man would pretend to question the Truth of the Proposition.

To conclude; He did not find, if the Doctrine held, that he ought to preach against any thing, if he were not to preach against any thing that might be prosecuted, either in the Temporal or Ecclesiastical Courts, he might not preach against any Offence that was forbid by the Ten Commandments.

Perhaps it would be urged, that there were no such People as those new Preachers, and new Teachers, that he was raising a Phantom, and then throwing it down; he was only imagining Cases, of which there were no Instances; that there were no such Men who endeavoured to justify the Murder of King *Charles*, or defend it by the Revolution. But they would shew there were too many Instances of such Persons who made no scruple to publish those Positions, and cast Reflections on the Queen and her Government,

whom the Doctor had been defending.

That he was not the Person he had been represented, he had no disloyal Thoughts about him; and would rather die in her Majesty's Defence. They would shew their Lordships that there were such as ran most vile Comparisons between the Revolution, and the most execrable Murder of King *Charles* the First, and could find no better Difference between them, than the abominable Distinction of a *wet Martyrdom*, and a *dry one*.

After Sir *Simon Harcourt*, Mr. *Dodd* spoke in defence of the Prisoner to this Effect.

That he was also a Council for Dr. *Sacheverell*, and could not but think that by the same Arguments that had been used to maintain those Articles, any Book or Sermon, tho' never so innocent, might be represented as a Libel.

That, the Gentlemen Managers of the House of Commons, with Submission, had scarce any three of them agreed in any one principal Point, excepting in the Doctor's being a Criminal before he was condemned: For he had been throughout the whole Debate (generally speaking) so call'd; the usual Expression having been, The Criminal.

Criminal at the Bar, which (as not usual in other Places) would have been a great Discouragement to them that were his Council, and great Discouragement in his Defence, but that they considered, that the Judgment was their Lordships, and that by their Justice he must stand or fall.

It had been represented as if the Sermon had been perused and approved by Lawyers, but was only Suggested (as other matters had been) without the least Proof thereof: Different Facts had been charged upon them; sometimes they were taxed for having said too much, and sometimes for having said too little, and not mentioning things that were the proper Subject of the Day.

That many things had been said by the Gentlemen of the House of Commons wherein they heartily agreed with them; and the Revolution was a Case they all agreed, out of the general Rule, and so in every thing they said, they hop'd their Lordships would understand it; for they neither did nor could understand it otherwise; it being against their Judgment and Interest to think otherwise; they were hearty Well-wishers to the Revolution, and to the Happiness of *England* which was in a great measure built upon it; they agreed the Law of the Land was the Measure of the Prince's Authority, and the Peo-

ples Rights; that in the Case of the Revolution, when the Laws were overturned, Popery was coming in, and Property signified nothing, the People of *England* invited by his Majesty, had resorted to the last Remedy, even that of Necessity, and that Necessity had induced Resistance, and justify'd 'em in it, and upon that Foot the Revolution had succeeded: They totally deny'd that the Doctrine of Non-Resistance, as laid down, and asserted by the Doctor, was intended for the Pretender, or any other, but her Majesty and her Government, or could be construed a thwarting the Revolution!; his Assertions were General, and those General Assertions would have their particular Exceptions.

That it had not, nor could be made out, that they had an Eye in Favour of the Pretender in any Part of that Discourse: And some of the Gentlemen had admitted that the Doctrine in the Main was Right, but said the Defendant had his Thoughts, his Eyes on the Pretender; which was so very contrary to what the Doctor had asserted in his whole Sermon, that he hop'd that there was no Ground for it; for the Doctor (as a Dutiful Subject) took Notice that her Majesty was the Last of the Lineal Descent, as the Relict of the Royal Family, which quite disowned the Pretender

der and his Right : And could any one imagine, that in such Expressions he could have an Eye to the Pretender ? For if there were any Pretence of Title in the Pretender, it must be as a Descendant of that Family : But he had taken Notice that her Majesty was the only one left of that Family in a Lineal Descent, and he thought that was enough, to acquit the Doctor of having any Eye to him beyond the Water.

The Doctor they own'd, in this Sermon, had asserted that general Proposition, viz. *Absolute Obedience in all things lawful to the Supreme Power, and the utter Illegality of Resisting the Supreme Power upon any Pretence whatsoever* : And that being the Article, if they understood some of the Gentlemen of the House of Commons aright, on which the whole Impeachment turn'd, and that if they were clear of that Article, there would be no reason to follow them upon the others, it gave them an Occasion to enlarge a little further upon that Point.

Therefore, as for Non-Resistance in general they asserted it as a Rule, yet they agreed there was an Exception imply'd in that Rule, and that Exception, they said, was the Case of the Revolution : When this general Rule had an Exception in it, it ought to be in a case of the utmost Necessity imply'd, which

was not express'd, stated, or determin'd in any Law or Act of Parliament that he knew of, except in the Particular therein after mention'd.

That Doctrine he said was agreeable to the Scriptures, and Taught by the Church of *England* in her Homilies, Articles and Injunctions, by her Bishops and Fathers ; and in all Admonitions from the Bishops and Pastors of the Church, from time to time. That he should not name them, some of them having been already nam'd : But would produce Sermons Preach'd before Her Majesty, their Lordships, and the House of Commons, on the most Solemn Occasions, where that Doctrine had been fully asserted, even beyond what the Doctor had laid down : That both their Lordships and the Commons had return'd Thanks to the Bishops and Clergy who had Preach'd them, and therefore they could not apprehend themselves to be worthy of that Reprehension : For they would produce them in Evidence, and vouch Authorities before the Reformation, and in the Infancy of it. The Homilies which were allowed by the Church, and Established by several Acts of Parliament.

And that they took to be agreeable to the Laws and Statutes of the Realm. And the Law made it high Treason, for particular persons

sons to Resist the Supreme Power.

That the *Spencers* in *Edward* the Second's Reign asserting, that if the King did not Govern well, the People might remove him, and that by Force; had been condemned by two Acts of Parliament, in *Edw.* 2d. and *Edw.* 3d's Reign. That the Act of the 25 *Edw.* 3. that famous Act which had been the Standard for Treason for many Ages, was agreeable to the Doctor's Assertion; and when there had been Breaches made in that Law, in Queen *Mary's* time, those Acts had been again repeal'd: So that it was needless to repeat, that to resist the Executive Power, and the Person of the King, was by that Act, compassing his Death, and levying War, and compassing and imagining the Death of the King; for which Reason he would say no more on that particular Act of Parliament.

Mr. *Dodd* proceeded, telling the Lords, they thought the Doctrine of Non-Resistance, as a general Proposition, was warranted by the Laws of the Land; and when there was an Exception imply'd therein, ought only to be determined by the Wisdom of the Nation, and not by any one Doctor or private Person whatsoever.

But the Doctor's Proposition was about Non-Resistance of the Supreme Power, and they had no Reason to

take a greater Weight upon them than the Words of the Sermon; and whatever Construction might be put upon it, in Relation to the Executive Power, which was all the Doctor had asserted.

That the Supreme Power was the Queen and Parliament, and to that Supreme Power the Doctor had prest the utter Unlawfulness of Resistance; and he had not heard it said by any that it was lawful to resist the Queen in Parliament, for there was the Strength of the Nation, and to it there ought to be a Standing Obedience, otherwise it would be setting up the People to be Judges, and not the Collective Body of the People assembled in Parliament.

That in a particular Case of the utmost Necessity, what Constructions were to be made as an Exception out of the General Rule ought to be left to Time and Circumstances (when such a Case should happen) to determine, and ought to be determined by the Wisdom and Strength of the Nation, if ever such a Case should happen, which he hop'd never would more.

In short, since there were not through the whole Sermon any plain Words to ground such a Construction, since there had not been the least Proof offered, but only by such forced Construction, when different Words were picked out from different

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Places,

Places, and Words so distant were joined together to make up Sentences; and then Arguments framed, and Conclusions drawn from those Sentences to make good the Impeachment, they thought it was much too hard, and hoped it would never be endured to pick Part of a Line here, and six or eight Lines after part of another, and to join the Conclusions of one Sentence, and the Beginning of another; which would be to confound all Reason and Understanding whatsoever. That they took to be no right way of Reasoning, nor a proper Evidence to maintain an Impeachment, and they hoped their Lordships would therefore acquit the Doctor of that Article.

The next that Pleaded for the Doctor was Mr. Phipps, the Purport of whose Speech was as follows.

That he also had been assigned by their Lordships to be one of the Council for Doctor Sacheverell, whom he could not yet think to be a Criminal; and hoped that when they had been heard, their Lordships would not think him such.

He admitted as the Case had been stated by the Gentlemen who were the Managers for the Commons, that it was a Cause of very great Moment, and worthy of their Lordships Determination, because it deserved the great

est Deliberation, being a Cause as considerable in its Consequences to her Majesty, the Church, and these Kingdoms, as ever had been brought before their Lordships.

And therefore, since it had been the Doctor's Misfortune to incur the Displeasure of the House of Commons, and to lie under the Weight of an Impeachment by that Great and Honourable Body, it was his greatest Comfort (next to be Innocent) to have their Lordships for his Judges, and the Opportunity of so publick a Vindication of his Innocence; for he did not doubt to give their Lordships and all by whom they had the Honour to be heard, full Satisfaction, that he was not Guilty of any of the Crimes charged upon him in any, or either of the Articles.

They agreed with the Managers, that his late Majesty, when Prince of Orange, had with an armed Force, undertaken a glorious Enterprize for delivering the Kingdom from Popery and Slavery.

They admitted that divers Subjects well affected to their Country had joined with and assisted him in that Enterprize; and that the Enterprize being crowned with Success, the late happy Revolution took Effect, and was Established.

They also admitted that the blessed Consequences of the Revolution were,

the Enjoyment of their Religion and Laws, the Preservation of her Majesty's wise and glorious Administration, the Prospect of Happiness to future Ages by the Settlement of the two Kingdoms.

He humbly submitted it to their Lordships, if there were any thing in the Sermon that could be construed to reflect on the Revolution, if the Words were taken according to the Natural and Genuine Sense of them; neither could it be thought the Doctor would cast the least Reflection upon it: for how should it be imagined, that he who was a Member of *Magdalen College in Oxford*, should so soon forget the Attempts that had been made on their Liberties, and should reflect on the Revolution, by which not only that, but all the Colleges in both the Universities, nay, all her Majesty's Protestant Subjects, then enjoy'd their Religion, Rights and Liberties? That he being a Church of *England* Man should calumniate the Revolution, by which the best Establish'd Church in the World had been preserved from Popish Superstition and Idolatry? That he who contended so earnestly for the Preservation of the Constitution, should cast Black and Odious Colours on that, which alone had settled the Succession in the Protestant Line, and seated her Majesty on the Throne of her Royal Ancestors, on which the Doctor

pray'd, and he hop'd they all join'd with him, *that she might long continue for the Support and Comfort of the Church and Nation?* That it was not the Revolution in 1688. but that in 1648. which he endeavour'd to blacken, and the Principles which had brought it to pass, those Principles which had made Rebelious Subjects take up Arms against one of the best Princes that ever Sway'd the Scepters of these Kingdoms; those Principles which had brought that Pious Martyr to the Block, Banished the Royal Family, and set an Usurper upon the Throne; that was the Dethroning, that the Murdering which he meant: And what Colours could be too Black, or too Odious for such Crimes? Doubtless none could; and therefore, instead of charging the Doctor with reflecting on the late happy Revolution, he hop'd their Lordships would be of Opinion that he had vindicated it in the highest Degree, when he distinguished it from that in 1648, and shewed what a wide Difference there was between them.

That in Construction of Words and Sentences, if any part were ambiguous, and might be taken in a double Sense, it ought in favour of Life and Liberty to be taken in the best Sense.

But when the Author declared what his Sense was, what he meant by

by it, there it could not be taken in any other Sense than that: which was the Doctor's Case; for he shew'd, both in his Sermon, and by a Note printed at the Bottom of the Page, that by Resistance he meant such Resistance as tended to a Conquest: and was justified in that by his Majesty's Declaration, wherein he had disowned the wicked Attempt of Conquest.

And by the Vote of both Houses of Parliament, who had so highly resented the Design of making that Expedition a Conquest, that they had ordered a Pamphlet which attempted to prove it such, to be Burnt by the Common Hangman.

If therefore the general Words would have carried such a Reflection, yet the Clause explaining them being Printed with them, prevented such a Construction; there being no Reason to apprehend any danger from the Poison, when the Antidote was administered at the same time.

Mr. Phipps thought he had answered every Branch of that Article, and shewn, there were no Expressions in the Sermon, that could Warrant or Support any Part of it: but as he observed from the Gentlemen who were the Managers, and spoke to that Article, the great Foundation and Stress upon which it depended, was in the Sentence Pag. 11. of the

Doctor's Sermon, where he said, The Grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power in all things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever.

But he believed the Charge in that Article could never be supported by any Words in that Sentence, for it was Evident, that the absolute and unconditional Obedience, he said Subjects were obliged to, was to the Supreme Power in all things lawful; and the utter Illegality of Resistance upon any Pretence whatsoever, (being in the same Sentence) could not but be intended to be of the Supreme Power in all things lawful; so that it was no more than if he had said, 'Tis utterly Illegal, upon any Account whatsoever, to resist the Supreme Power in things lawful; and no Aphorism could be truer than this, viz. That where the Thing commanded by the Supreme Power is lawful, the Resistance given to it must be unlawful? Which was all the Doctor had asserted in that Paragraph.

And Supposing it could be Collected, that by the Supreme Power the Doctor had meant the Supreme Executive Power, which was the Queen; yet he could not be thought by that to have

have reflected on the Revolution, or condemned the Opposition given to King *James*.

For it could not be imagined, that he condemned the Opposition given to that Prince in the dispensing Power, in committing the Bishops, depriving Men of their Freeholds and Liberties, by ecclesiastical and other unlawful Commissions, and endeavouring to establish Popery, by introducing a foreign Power; It could not be said the Doctor condemned that Opposition, when he urg'd the Illegality of resisting the supreme Power in all Things lawful to it, for if those Proceedings of King *James* had been lawful, then the Doctor had condemned the Opposition given to them; but those Proceedings being illegal, the Opposition given to them was no where condemned by the Doctor, nor had that Paragraph in his Sermon any Relation to it.

Besides that, the Doctor entirely concurred with the Gentlemen of the House of Commons, that the Revolution was an Exception; and was not opposite to one of the learned Managers, who had been pleased to admit it as the only Exception from that general Rule.

Wherefore he submitted it to their Lordships, whether the naming that Exception, would not

have been a greater Reflection on the Revolution, than the preaching that Doctrine in general Terms without naming it; for to name it after the Revolution, would be to suppose, that it had not been implied and understood as an Exception, out of that general Proposition, before the Revolution, and then the Exception must have been warranted by the Revolution, which was to infer, that no Resistance had been lawful till the Revolution; whereas they said, That such an extraordinary Case, as that of the Revolution, had been always implied as an Exception out of that general Doctrine, and so the Doctrine justified the Revolution.

And therefore, the Doctor having urged that Doctrine of Non-Resistance in such general Terms, as all other general Propositions were usually urged, it was humbly submitted, whether he could for that be deemed guilty of high Crimes and Misdemeanours; especially, since that very Doctrine had been affirmed in such general Terms by learned Men in all Ages, by the Church, and by the Legislature, of which he begged Leave to give some few Instances.

And first, that when the duke of *Monmouth* was to be executed, his present Grace the Arch-bishop of *Canterbury*, the present Lord Bishop of *Bath* and *Wells*, and the
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then Bishops of *Ely* and *Bath* and *Wells*, being appointed by the King to attend his Grace; they had pressed him to a particular Confession of his Crime, and to acknowledge himself guilty of Rebellion; who answered, *He died a Protestant of the Church of England; to which, They replied, My Lord, if you be of the Church of England, you must acknowledge the Doctrine of Non-Resistance to be true.*

That Arch-bishop *Tillotson*, in his Letter to the Lord *Ruffel* the 20th of July 1688, offered these Considerations concerning the Point of Resistance. (1.) 'That the Christian Religion did plainly forbid the Resisting of Authority. (2.) 'That in the same Law which established the Protestant Religion, it was declared, not to be lawful on any Pretence whatsoever to take up Arms against the King.

That Bishop *Sanderson* in his Works, Pag. 522. said, *No Conjecture of Circumstances whatsoever can make that Expedient to be done at any Time, which is of itself, and in the Kind, unlawful. For a Man to take up Arms (Offensive, or Defensive) against a lawful Sovereign, being a Thing in its Nature, simply, and de toto genere, unlawful, may not be done by any Man, at any Time, in any Cases, upon any Colour or Pretence whatsoever.*

Whence their Lordships might observe, how much higher those great and learned Men had carried that Doctrine, than Doctor *Sacheverell* had done in his Sermons; and Multitudes of Instances there were, which shew'd that it had been the concurrent and universal Opinion of all the learned Men of the Church in all Ages, that Resistance of the Sovereign Power was not lawful, upon any Pretence whatsoever. And yet no Punishment, no Censures had been inflicted upon, nay, no Fault had been found with any of them to that Day.

But that no Instance farther in Vindication of the Doctrine of Passive Obedience and Non-Resistance, Arch-bishop *Tillotson*, in his Letter to the Lord *Ruffel* said, *The Doctrine of Non-Resistance is the Doctrine of all Protestant Churches; and he might add, it had been the Doctrine of Christ and his Apostles; It had been the Doctrine in David's Time; for it was the Doctrine that had restrained David from offering Violence to King Saul, though that King sought to take away his Life; that holy Man being of Opinion he could not lift up his Hand against the Lord's anointed, and be guiltless; and could it be done since with greater Innocence than it could then? Was the Person of the Lord's anointed become less sacred than it was then? Or had the People since a greater Liberty to resist than David*

vid had then? And one of the learned Gentlemen had said, that in respect to the Patriarchal Right, it was a Doctrine as old as Adam, and he would not pretend to carry it further.

That the Bishop of St. Asaph, in his Sermon on the 30th of January, 1699, preached before the Lord Mayor, pag. 11. said, *It is plain that a Government cannot possibly subsist for any Time, where any kind of Violence is allowed against the Magistrate: Government is at an End, where Rulers are exposed to popular Assaults.*

That the Bishop of Lincoln, in his Sermon preached before their Lordships the 30th of January, 1708, pag. 15, 16, 17, said, *Wherever that Supreme Power and Authority is lodged, or in whomsoever it resides, we are bound to pay either an active or passive Obedience, must either do what it requires, or suffer what it inflicts. This is without Controversy the standing Doctrine of Christianity, and has been confirmed by the Practice of the best Christians in all Ages of the Church.* And that Bishop also had cited the words of the Statute of the 12th of Car. II. mentioned by Doctor Kennet; for which Sermon their Lordships had been pleased to thank the Bishop, and to desire him to print it.

That his Grace the Lord Arch-

bishop of York; in his Sermon, preached before their Lordships in 1700, had so fully and clearly stated the same Doctrine, that it was not capable of the least Contradiction or Doubt: His Grace expressing himself thus: 'That there is such a Submission due from all Subjects to the Supreme Authority, of the Place where they live, as shall tie up their Hands from opposing or resisting it by Force, is evident from the very Nature and Ends of Political Society: And I dare say that there is not that Country upon Earth, let the Form of their Government be what it will, (Absolute Monarchy, Aristocracy or Commonwealth) where this is not a Part of the Constitution.

'Subjects must obey passively, where they cannot obey actively, otherwise the Government would be precarious, and the publick Peace at the Mercy of every Malecontent, and a Door would be set open to all the Insurrections, Rebellions and Treasons in the World. Nor is this only a State Doctrine, but the Doctrine also of Jesus Christ, and that a necessary and indispensable one too, as sufficiently appears from these famous words of St. Paul's, Rom. 13. 1, 2. which are so plain that they need no Comment; so that so long as this Text stands in our Bibles, the Doctrine of Non-Resistance or Passive Obedience must be of Obligation to all Christians. And

And so their Lordships might observe how that Doctrine had been preached and maintained by Archbishops, Bishops, and eminent Divines, confirmed and established by the Church, and by the Legislature; and he desired to know whether that Doctrine had been alter'd, or had received any Diminution or Restriction by the Revolution? Which he would not presume to say, but put himself upon their Lordship's Judgment, on the Consideration of the several Sermons before mentioned; preach'd and published with the respective Approbation of both Houses of Parliament since the Revolution.

He desired their lordships to reflect how many Revolutions there had been in this Kingdom, and yet that Doctrine always continued the same; and submitted, whether they had not their lordships Authority on that very Point; for in a Sermon preached before their lordships on the 30th of January, 1702. by the Lord Bishop of *Carlisle*, his Lordship had expressed himself thus: *Our Foundations 'tis to be hoped, are not shaken by the Weight of those many great and extraordinary Revolutions that have pass'd upon us; the All-wise Providence of God has frequently of late (and as some of us always thought, very graciously) exchanged our Governors; but if we ungratefully alter our Notions of the divine Right of Government, and throw*

off our ancient and primitive Rules of Obedience, we shall make an unworthy Return for the Mercies we have received.

He hop'd he might have their Lordships Leave to conclude their Lordships were of the same Opinion, since the Lord Bishop had their lordships Thanks for his Sermon, and their Desire to print it.

Mr. Dee succeeded in taking up the Doctor's Defence to this Purpose.

He told their Lordships, That after so much had been said, and so well pressed by the Gentlemen, that went before him, of the doctrine of Non-Resistance (which had been so well established by the Opinion of the Fathers of the Church, and founded on the Laws of the Land) he should think himself very unmannerly to spend their Lordships Time, in repeating the same in worse Words; and therefore he begged leave only to make a few Remarks; first on some General's, and then to add a few Words, and draw an Inference or two from one Law that had not yet been taken Notice of.

That they readily joined with the Gentlemen Managers for the House of Commons, in desiring their Lordships to assert fundamentals, and desired their Lordships to consider the ancient legal Constitution

tution of the Kingdom. Wherein they readily complied with them, and doubted not but their Lordships would do it.

That some Notice had been taken of the Time and Place where that Sermon had been preached; and one of those Gentlemen said the Time was improper, because it was a Doctrine fit only to be preached in the Reign of a bad Prince, not a good one.

Mr. *Dee* declared that he was at a Loss to understand that: And thought if at any Time, it was reasonable when they had so gracious a Princess upon the Throne, much rather than in the Reign of a Tyrant or Usurper.

That the said Doctrine had been made appear to their Lordships to be consonant to the Laws of God, and the Laws of the Land; and when they had laid before their Lordships their Proofs that had been opened, he hop'd their Lordships would allow they had proved their Case.

And whereas one of the Managers had instanced the fourth Commandment, forbidding in general any Work to be done on the Lord's Day, and that yet, Works of Necessity and Mercy were allowed to be done on that Day, and were an imply'd Exception. They said the

like of the imply'd Exception to the general Doctrine laid down by the Doctor of the Illegality of Resistance.

And certainly there could be no room to suppose any Reflection to be made on his late Majesty; for surely his Majesty had wanted no Excuse for his coming into *England*, nor could he be guilty of any Thing that they properly call'd Resistance: as being a Sovereign Prince who might do what he thought fit; because owing no Allegiance to any one, he could not be said to resist, in the Sense Resistance bore in the Doctor's Sermon, which was the Resistance by Subjects to the supream Power.

But in Regard, there had been a great deal of time spent, he would only make one Remark further, which was, that the learned Managers for the House of Commons had drawn many Inferences, by their Skill and Ingenuity, from Passages in the Doctor's Sermon, which he believed none of their Lordships could think the Doctor had ever thought of, when he was composing his Sermon or delivering it in the Pulpit.

Mr. Dee having concluded, Dr. Henchman apply'd to the Lords, saying.

That he was likewise assign'd
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Council for Dr. Sacheverell; but if the Doctor had been represented by the learned Managers in his proper Colours, if he had been set before their Lordships in a true Light, and with his Mask off, he could not but beg Leave to say, that nothing less than the Commands of that honourable House could have prevailed with any one to appear in his Defence.

If the Doctor had been a Mover of Sedition, and an Underminer of the Protestant Succession and present Establishment; if he had fomented destructive Divisions, and excited his Fellow-Subjects to Arms and Violence, and taken all Advantages to vent his seditious Notions in the most publick Manner, he could not but think that no body would dare to open his Mouth in his Behalf in the Face of the Government, and before the united Legislature of the whole Kingdom. He protested for himself he would not do it, and believed he might say the same for all the Gentlemen that had spoke before him.

That the general Part of those Articles had been already largely spoken to, and he should therefore apply himself directly to the first Article, and the first Branch of that Article, which had been made the Ground of that whole Accusation, viz. That the Dr. had suggested and maintained that the necessary Means used to bring about the late happy Revolution

were odious and unjustifiable. He could not but own that to be a Charge of a very high Nature, and aggravated to the utmost by the great Pains the Gentlemen of the Honourable House of Commons had taken, and the elaborate Speeches that had been made on that Head.

That the Justice of the Revolution was too plain to need any Vindication, every one of them being sensible of the happy Effects of it, and therefore for any one to cast black and odious Colours on it, would have been as the honourable Managers said, a Reflection on his late Majesty, and must bring a foul Imputation on her present Majesty and Government; which, if the Revolution were unjustifiable, could be no other than an Usurpation, and all her Subjects Rebels.

Then Sir Simon Harcourt said.

If they had not already tired their Lordships, there was this wide Difference between the Managers for the House of Commons and them; that the former desired their Lordships to trust them, and to take their Words in every thing; whereas the Defendants humbly begged their Lordships to take their Words in Nothing, but that they would give them leave to lay before them the Testimonies for every thing they had opened; but those being very long, they humbly submitted it to their Lordships, whether

ther it would be proper then to produce them. - The first Evidence they desired to read, being some godly and wholesome Doctrine contained in the Homilies; which for their Lordships Ease, they had collected by a Person that was ready to swear to them. They humbly submitted it to their Lordships, whether it should be read out of the Writings, or whether the Books themselves should be produced; for they would observe their Lordships Commands, and proceed which way their Lordships pleased.

Mr. Dodd added, That they were ready to observe their Lordships Directions in that Matter; having collected the Passages out of the Homilies, the Articles, the Sermons, and Acts of Parliament; and had a Person ready to make Oath that they were truly collected: But if there should be any Objection, they were ready to refer to the Books themselves, and had them all there ready to produce.

Mr. Phipps said, if their Lordships pleased, the Witness might be sworn.

And accordingly Mr. Trapp was sworn.

The Lord Chancellor told the Council, That if they offered anything in Evidence, they must take the same Method that the Gentlemen of the House of Commons had done, which

was to prove, and then deliver it in at the Table to be there read.

Then Sir Joseph Jekyll desired the Lords to observe, That they had given the Council for the Prisoner no Disturbance during their Defence, that so they might come to a speedy Determination in his Tryal, otherwise they had Reason to Object to some things that had been said by the Council. That they thought proper to deliberate upon what the said Council was then going to do, and according to former Precedents, they desired to withdraw, and would attend their Lordships again presently.

Mr. Smith made the same Proposal for the Managers to withdraw for a while, there being something proposed, which they thought fit to consider of, and had something to offer to their Lordships.

The Managers being withdrawn, the Lords adjourned to their own House, and their Lordships returning to their Seats, and the Managers to the Place appointed for them; Proclamation for Silence was made by the Serjeant at Arms.

And Sir Joseph Jekyll acquainted their Lordships, That the Managers had withdrawn for two Reasons, the one, to consider of several Expressions that fell from the Council at the Bar, which they had Reason to take Exceptions

ceptions to; the other to consider of the Evidence they offered to their Lordships. For the first, the Managers were so desirous that no Interruption should be given to the Doctor's Council in his Defence, that they there took no Notice of it, but reserved that Matter to be taken Notice of at such other time as they should think proper. As to the Second, the Managers being unwilling the Doctor should be deprived of any thing his Council could fancy might be Material for his Defence, they were contented to let them go on in the Way they proposed; but to save their Lordships time, they admitted the Books, Sermons and Pamphlets to be as they opened them.

But Sir Simon Harcourt Pray'd they might be read, because they had not opened the tenth part of them.

Mr. Dodd said they had Collected them, to save their Lordships Time, but had not opened them, because they reserved them to be read.

Mr. Phipps added that the Witness was Sworn. And asked him whether that was a true Copy of what is referred to?

To which Mr. Trapp answered, That he had compared them with the Originals, and that was a Transcript from the Original.

Then Mr. Phipps asked whether they were entire Paragraphs?

To which Mr. Trapp reply'd, they were most of them entire Passages.

The Lord Chancellor ask'd the Gentlemen of the House of Commons, whether they did Object to the Evidence?

And Sir Joseph Jekyll answer'd, they did not.

Then the Lords adjourn'd to their own House.





Saturday, March 4. The Sixth Day.

THE Lords being seated as usual, and the Commons present, and the Managers at their Lordships Bar; the usual Proclamations were made;

And Dr. *Sacheverell* appearing at the Bar:

The *Lord Chancellor* said to the Gentlemen who were Council for Doctor *Sacheverell*, that having offered some Papers which they desired to be read in Evidence; the Gentlemen of the House of Commons had agreed to let them be read, as they desired.

Mr. *Dodd* Pray'd those Papers might be read.

And Mr. *Phipps* told the Lords, that the Defendant in his Answer did assert, *That the Doctrine of the Illegality of Resistance to the Supreme Power, was contained in the Homilies, and approved by many of the Divines of the Church of England; they therefore desired to have those Homilies, and the Sermons of those Divines, read.*

Then Sir *Joseph Jekyll* said, the Gentlemen that opened for the Doctor had been pleased to mention some Homilies and other Books, one intitled, *A Necessary Doctrine and Erudition for any Christian Man*, which they had desired might be read, and said they had collected the Passages out of them in a Paper which they had offered to their Lordships. That the Managers had looked into that Paper, and found Extracts out of Gazettes, and other Papers, and were willing to let them read the Homilies, and that other Book called, *The Erudition for any Christian Man*; but when they came to the others, they pray'd they might produce the Books or Papers themselves.

Which Mr. *Dodd* said should be observed accordingly.

And Mr. *Phipps* desired they might begin with the Book intitled, *The Erudition for any Christian Man*.

The Clerk Read the Paper Abstract

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tract. A Necessary Doctrine and Erudition for any Christian Man, set furthe by the King's Majesty of England, &c. Anno 34. H. S.

In the Exposition of the fyste Commandment.

And by this Commandment also Subjects be bounde not to withdrawe their said Fealtie, Trough, Love and Obedience towards their Prince, for any Cause whatsoever it be, ne for any Cause they maye conspire against his Person, ne do any thing towards the Hindrance or Hurt thereof, nor of his Estate. [Fol. 113.]

In the Exposition of the syxte Commandment.

Moreover, no Subjects may draw their Swords against their Prince, for any Cause, whatsoever it be. [Fol. 387. 9.]

Then Mr. Dodd desired they might read several Passages in the Homilies.

The Clerk Read.] The 2d Part of the Sermon of Obedience. p. 110.

Whereby Christ taught us plainly, that even the wicked Rulers have their Power and Authority from God, and therefore it is not lawful for their Subjects to withstand them, although they abuse their Power.

But nevertheless, in that Case we may not in any wise withstand violently or rebel against Rulers, or make any Insurrection, Sedition or

Tumults, either by Force of Arms (or otherwise) against the Anointed of the Lord, or any of his Officers; but we must in such Case patiently suffer all Wrongs and Injuries, referring the Judgment of our Cause only to God. Ibid. p. 113.

The Third Part of the Sermon of Obedience, Pag. 114.

All Subjects are bounden to obey their Magistrates, and for no Cause to resist, or withstand, or rebel, or make any Sedition against them, yea altho' they be wicked Men.

Mr. Dodd asked leave to read the thirty fift Article of the Church of England, which approved those Homilies, and Mr. Phipps desired the same.

The Clerk Read.] Article the Thirty fift. Of Homilies.

The second Book of Homilies, doth contain a godly and wholesome Doctrine, and necessary for these Times; as doth the former Book of Homilies, which were set forth in the Times of Edward the Sixth. And therefore we judge them to be read in Churches by the Ministers, diligently and distinctly, that they may be understood of the People, &c.

Mr. Phipps said, those Articles had been confirmed, by the Statute of the 13 Eliz. and he believed the Gentlemen of the House of Commons would allow of it.

Mr. Dodd added, they had been confirmed by the Act of Uniformity.

Sir Joseph Jekyll answered, they had told them they were willing to admit

admit all they opened, and therefore they admitted that.

The next Mr. Phipps offered, was the Opinion of Bishop Jewell, in his Defence of the Apology for the Church of England, in an Answer to Mr. Harding.

The Clerk read.) *We teach the People as St. Paul doth, to be Subject to the higher Powers, not only for Fear, but also for Conscience; We teach them that whoso striketh with Swerde by private Authority, shall perish with the Swerde: If the Prince happen to be Wicked, or Cruel, or Burthenous, We teach them to say with St. Ambrose, Arma nostra sunt Preces & Lacrymæ, Tears and Prayers be our Weapons.* (Printed Ann. 1586. fol. 19.)

Next Mr. Dodd produced Bishop Andrews's Sermons.

The Clerk read.) *To deprive or depose them? Sure where the worst is reckoned that can be of them, Clamabunt ad Dominum is all I find, 1 Sam. 8. 18. By him, and by none but by him, they be; by him, and by none but by him, they cease to be.* (Lond. Edition, Fol. 1632. p. 939.)

The next was Archbishop Usker in a Treatise called, *The Power communicated by God to the Prince, and the Obedience required of the Subject, &c.*

The Clerk read.) *God's Word is clear in the Point, Whosoever resist-*

eth the Power, resisteth the Ordinance of God, and they that resist shall receive to themselves Damnation; and thereby a Necessity is imposed upon us, of being subject even for Conscience-sake, which may not be avoided by the Pretext of any ensuiug Mischief whatsoever.

Mr. Phipps said, they offered next the Authority of Mr. Chillingworth, whose Character was so established by the Lord Clarendon that they needed to say no more of it.

The Clerk read.) *They that make no Scruple at all of fighting with his Sacred Majesty, whom by all possibly Obligations they are bound to defend, do they know, the General Rule without Exception or Limitation, left by the Holy Ghost for our Direction in all such Cases? Who can lift up his Hand against the Lord's Anointed, and be Innocent? 1 Sam. 26. 9. Or do they consider his Command in the Proverbs of Solomon, My Son fear God and the King, and meddle not with them that desire Change? Prov. 24. 21. Or his Counsel in the Book of Ecclesiastes, I Counsel thee to keep the King's Commandment, and that in Regard of the Oath of God? Eccles. 8. 2. -----Do they know and remember the Precept given to all Christians by St. Peter, Submit your selves to every Ordinance of Man for the Lord's sake, whether it be to the King*

King as Supreme, or unto Governours, as unto them that are sent by him? Or that terrible Sanction of the same Command, They that resist shall receive to themselves Damnation, left us by St. Paul in his Epistle to the Romans, who then were the miserable Subjects of the worst King, the worst Man, nay, I think, I may add truly the worst Beast in the World? That so all Rebels Mouths might be stopt for ever, and left without all Colour or Pretence whatsoever to justify the Resistance of Sovereign Power. (Fol. 330. Lond. 1714. Folio.

The next offered, was Archbishop Bramhall.

The Clerk read.] *The same Oath binds us to defend him against all Conspiracies and Attempts whatsoever, which shall be made against his Person or Crown, to defend him, much more therefore not to offend him, against all Conspiracies and Attempts whatsoever; that Oath which binds us to defend him against all Attempts whatsoever, presupposeth that no Attempt against him can be justified by Law, whether these Attempts be against his Person or his Crown. Page 531. Dublin, 1678. Folio.*

If a Sovereign shall persecute his Subjects for not doing his unjust Commands, yet it is not lawful to resist by raising Arms against him, They that resist shall receive to themselves Damnation: (Ibid. fol. 542.

Mr. Dodd said, the next was Bishop Sanderson.

The Clerk read.) No Conjecture of Circumstances whatsoever, can make that Expedient to be done at any Time, that is of itself and in the kind unlawful. For a Man to take up Arms (Offensive and Defensive) against a lawful Sovereign, being a thing simply, and *de toto genere* unlawful, may not be done by any Man at any Time, in any Case, upon any Colour or Pretension whatsoever; Not for the avoiding of Scandal, not at the Instance of any Friend, or Command of any Power upon Earth; nor for the Maintenance of the Lives or Liberties either of our selves or others; nor for the Defence of Religion; not for the Preservation of a Church or State; no nor yet, if that could be imagined possible, for the Salvation of a Soul; no, not for the Redemption of the whole World. (Fol. 522.

Then Mr. Phipps told the Lords, That to shew Archbishop Tillotson had been of the same Opinion, they desired to read his Letter which he wrote to the Lord Russell, when he was under his Condemnation in Newgate, the 20th of July, 1683.

The Clerk read.) I do humbly offer to your Lordship's deliberate Thoughts these following Considerations concerning the Points of Resistance, if our Religion and Rights should

should be invaded, as your Lordship puts the Case.

First, That the Christian Religion doth plainly forbid Resistance of Authority.

Secondly, That tho' our Religion be Established by Law, yet in the same Law which Establishes our Religion it is declared, That it is not Lawful upon any Pretence whatsoever to take up Arms, &c. And that ties the Hands of Subjects, tho' the Law of Nature, and the general Rules of Scripture had left us at Liberty.

Thirdly, Your Lordship's Opinion is contrary to the declared Doctrine of all Protestant Churches; ---my End in this is, to convince your Lordship that you are in a very great and dangerous Mistake, &c.

J. TILLOTSON.

Next Mr. Phipps Offered the Opinion of Bp. Stillingfleet.

The Clerk read.) A Vindication of the Answer, to some late Papers concerning the Unity and Authority of the Catholick Church, and the Reformation of the Church of England.

But it hath been said by some Body, That we had our Government and Ceremonies from his Church, our Doctrine from Luther and Calvin; and that we had nothing peculiar to our Church but our Doctrine of Non-Resistance, and much good may it do us, &c. [Page 89. Lond. 1687.

Mr. Phipps added, that the same Bishop in a Discourse of the Unreasonableness of a new Separation; took Notice of some Objections made by those who were Friends to the Government, as if Non-Resistance were not consistent with the Revolution.

The Lord Chancellor Objected there was no Name of an Author to those Books they then produced.

To which Mr. Dodd answered, That the Book was generally known by all Learned Men to be Bp. Stillingfleet's, and Mr. Chiswell who Printed it had attended there three Days to prove it, but was then ill; yet had left a Certificate that he Printed it, and all learned Men knew it to be his.

The Clerk read.) If any particular Persons have advanced new Hypotheses of Government, contrary to the Sense of our Church, let them answer for themselves. The Case of the Oaths is quite of another Nature; here is no Renouncing the Doctrine of Passive Obedience, or Asserting the Lawfulness of Resistance.

Mr. Phipps desired their Lordships to observe that since the Revolution that general Doctrine of Passive Obedience was Asserted by him.

Mr. Phipps then offered the Authority of the Lord Bishop of Sarum; where he shew'd, that to be not only the Doctrine of the Church of England,

land, but of the Church of Scotland, and of all Christian Churches.

The Clerk read.) A Vindication of the Authority, Constitution and Laws of the Church and State of Scotland, &c. By Gilbert Burnet.

These Words of St. Paul being as at first addressed to the Romans, so also designed by the Holy Ghost to be a part of the Rule of all Christians, do prove, that whoever hath the Supreme Power, is to be submitted to, and never resisted. [Printed at Glasgow, 1673.

He that is the King, is only accountable to God, whose Minister he is. And this must hold good, except you give us good ground to believe, that God hath given Authority to the Subjects to call him to account for his Trust; but if that be not made appear, then he must be left to God, who did impower him, and therefore can only Coerce him. As one having his Power from a King, is countable to none for the Administration of it, but to the King, or to those on whom the King shall devolve it: So except it be proved, that God hath warranted Subjects to call their Sovereigns to account, they being his Ministers, must only be answerable to him.

Mr. Phipps added, That they should offer nothing more on that Article, but only some part of his late Majesty's Declaration, to shew there had been some Reason for what

the Doctor said of his late Majesty's disclaiming all manner of Resistance.

But Sir Joseph Jekyll desired it might be read quite through.

The Clerk read.) The Declaration of his Highness, William Henry, by the Grace of God, Prince of Orange, &c.

The Purport whereof was, That when the Liberties and Religion of a Nation were in Danger, it behoved those that were most immediately concerned to endeavour to preserve and maintain them, and therefore he could no longer forbear to declare, that the King's evil Councillors had over-turned the Laws of England, and were introducing an Arbitrary Government, by advancing the King's Power, and procuring the Judges to give their Opinions in behalf of it; by setting up the Ecclesiastical Commission, which had suspended the Bishop of London, and turned out the Fellows of Magdalen College; by Erecting Popish Chapels and Monasteries; by putting Papists and such as would consent to the repealing of the Penal Law and Test into Civil and Military Employments; by seizing the Charters of Corporations; by putting the whole Government of Ireland into the Hands of Papists; by declaring in Scotland that all Subjects are bound to obey the King without Reserve, by Im-
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prisoning the Bishops, &c. That both himself and the Princess his Consort, much doubting that the Pretended Prince of *Wales* was not born by the Queen, had thought fit to go over into *England*, and to carry over with them a Force to defend them from the Violence of those evil Councillors, being earnestly solicited thereto by many Lords Spiritual and Temporal, and by many Gentlemen and other Subjects of all Ranks. Therefore they thought fit to declare, That their Expedition was intended for no other Design, but to have a Free and Lawful Parliament assembled, both for the confirming and executing the Law concerning the *Test*, and such other Laws as were necessary for the Security and Maintenance of the *Protestant Religion*; as likewise for making such Laws as might establish a good Agreement between the *Church of England* and all *Protestant Dissenters*; as also for the covering and securing of all such who would live peaceably under the Government, as became good Subjects, from all Persecution upon the Account of their Religion, even Papists themselves not excepted; and for the doing of all other Things, which the two Houses of Parliament should find necessary for the Peace, Honour and Safety of the Nation, so that there might be no more danger of the Nations falling at any

time under *Arbitrary Government*. That they would also refer to the Parliament the Enquiry into the Birth of the Pretended Prince of *Wales*, and of all things relating to it, and to the Right of Succession.

And would concur in every thing that might procure the Peace and Happiness of the Nation, which a Free and Lawful Parliament should determine; since they had nothing before their Eyes in that their Undertaking, but the Preservation of the *Protestant Religion*, the Covering of all Men from Persecution for their Consciences, and the securing to the whole Nation the free Enjoyment of all their Laws, Rights and Liberties under a Just and Legal Government. For that was the Design they had proposed to themselves, in appearing upon that occasion in Arms: In the Conduct of which, they would keep the Forces under their Command, under all the Strictness of Martial Discipline; and take a special Care, that the People of the Countries, through which they were to March, should not suffer by their Means; and as soon as the State of the Nation would admit of it, they promised to send back all those Foreign Forces they had brought along with them. And therefore hop'd that all People would judge rightly of them, and approve their Proceedings: And in the last place invited
and

and required all Persons whatsoever, all the Peers of the Realm both Spiritual and Temporal, all Lords Lieutenants, Deputy Lieutenants, and all Gentlemen, Citizens, and other Commons of all Ranks, to come and assist them, in order to the Execution of that their Design, against all such as should endeavour to Oppose them; that so they might prevent all those Miseries which must needs follow upon the Nations being kept under Arbitrary Government and Slavery: And that all the Violences and Disorders which had overturned the whole Constitution of the *English* Government, might be fully redressed in a *Free and Legal Parliament*.

And they likewise resolved, that as soon as the Nations were brought to a state of Quiet, Care should be taken that a Parliament should be called in Scotland, for restoring the Ancient Constitution of that Kindom, and for bringing the Matters of Religion to such a Settlement, that the People might live easy and happy, and for

putting an end to all the unjust Violences, that had been in a course of so many Tears committed there.

They would also study to bring the Kingdom of Ireland, to such a state, that the Settlement there might be religiously observed; and that the Protestant and British Interest there, might be secured. And would endeavour by all possible Means, to procure such Establishment in all the Three Kingdoms, that they might all Live in a happy Union and Correspondence together; and that the Protestant Religion, and the Peace, Honour and Happiness of those Nations, might be Established upon a lasting Foundation.

Mr. Dodd added, That they had finished what they had to offer on that Article, and submitted it to their Lordships whether they had not made good their Defence; and were ready to go on to the Second Article, if it were their Lordships Pleasure.

Then the Lords adjourn'd to their own House.





Monday, March 6. The Seventh Day.

Sir Simon Harcourt, having been returned Member of the Honourable House of Commons for Cardigan, Dr. Sacheverell was thereby deprived of his farther Assistance: So that on the 6th of Mar. the other Gentlemen that were his Counsel, spoke only in his Defence.

Mr. Dodd's Speech,

MR. Dodd began first, and begged the Favour that they might enter upon it, as to the second Article, which was divided into three Heads. 1. That the Toleration is unreasonable, and the Allowance of it unwarrantable. 2. That he is a false Brother, who defends Toleration and Liberty of Conscience. 3. That it is the Duty of the chief Pastors to thunder out Anathema's, &c.

As to the first Head, he said, That there is no such Thing as a Toleration granted by Law; the Word not being to be found in the Act of

Parliament; that there is an Act (which they suppose is intended) to exempt Protestant Dissenters from the Penalties of certain Laws therein mentioned: However in this Debate they should take Notice of it as a Toleration, although they thought, when there is a legal Proceeding, the Act should have been called by its own proper Name: He urged, that this Act of Parliament hath several restrictions and limitations in it, and amongst others, not to exempt any Persons from the Penalties, that do not frequent some religious Society thereby allowed; that the Dr. no where finds Fault with a Legal Toleration, or a Toleration granted by Law, within the Description and Meaning of this Act of Parliament.

That as to the second Part of this Article, they thought it might receive the same Answer; That he is a false Brother, who defends Toleration and Liberty of Conscience. That the Dr. does not say they are False

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Brethren that defend a legal Toleration; but the Persons intended, are those that defend an unlawful Toleration, and not a legal Exemption, which legal Exemption the Dr. admits to be good and just in the Passage before repeated. That they apprehended the Dr. meant those are false Brethren, and blameable, that excuse the Separation from the Church, not on Account of the Toleration, but by laying the Fault on the true Sons of the Church, for carrying Matters too high; these are the People, the False Brethren, that cry out upon the Church upon all Occasions. That as the Doctor's Expressions about Archbishop Grindall, the Doctor thought he had good Grounds for them; but at least they were but unwary Expressions, and not criminal. That the Toleration he mentioned Archbishop Grindall to be blamed for, was quite another Thing from the present Indulgence now granted; that the first was by Queen Elizabeth alone, or by the Archbishop's Authority under her, and without the Parliament: the Dissenters being then few, and it had been no great Difficulty to have prevented that Schism at the Beginning; but that now the Dissenters are a considerable Part of the Nation, have great Riches, and Properties amongst us; and it became the Wisdom of the Legislature, to give them an Indulgence according to the Restrictions in the Act of Parliament.

That as to that Part of the charge, about thundering out *Anathema's*, the Discourse is general, and not determined to any Persons, not pointed at the Dissenters, but properly intended against Irreligion, and the Sentence that *he dares any Power on Earth to reverse*, is such, and such only, as is ratified in Heaven. That the Doctor believes some Sentences of the Church to be ratified in Heaven; and if that Sentence which is pronounced here on Earth, be ratified in Heaven, it is beyond all Dispute, out of the Power of Man to reverse it. That he supposes some Persons exempt from Punishment by particular Laws, may yet, by the Law of Christ, be liable to such a Sentence. But from hence, or his Answer to the Articles, to draw a Conclusion, That he asserts the State had not Power to reverse the Sentence of the Spiritual Court, (of which there can be no Doubt, but that the Legislator has such a Power) or that the Legislature is guilty of Blasphemy, (as had been objected by one of the Managers) was neither true Reason nor Logick. That it would not be disputed, that Schism is a Sin punishable by the Laws of the Church, if it be a Separation without a just Cause; and how far this was such a Separation, or that the Act of Parliament had taken away this Schism, this Sin they submitted to their Lordships.

Mr.

Mr. Phipp's Speech,

MR. Phipps spoke next, and began with that Part of the second Article which says, *That the Dr. doth suggest and maintain, that the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable*: That he conceived there is nothing in the Doctor's Sermon can warrant that Charge. That the *Toleration Act* is not what the Doctor finds Fault with, but the Persons that abuse it; which ill use is *unreasonable and unwarrantable*. But that the Doctor asserts the Toleration itself to be unreasonable, or the Allowance of it unwarrantable, would appear to be a great Mistake, when the Paragraphs in the Sermon, upon which this Article is founded, were considered. That the first Passage was in Page the 8th. where the Doctor says thus: *If upon all Occasions to comply with the Dissenters, both in publick and private Affairs, as Persons of tender Conscience and Piety, to promote their Interest in Elections, to sneak to them for Places and Preferment, to defend Toleration and Liberty of Conscience, and under the Pretence of Moderation, to excuse their Separation, and lay the Fault upon the true Sons of the Church for carrying Matters too high, &c.* That these are some of the Characters which the Doctor gives of False Brethren: But, (added Mr. Phipps)

is there any thing in this Passage that avers Toleration to be unreasonable, or the Allowance of it unwarrantable? That Page the 10th, the Doctor hath these words, which were urged to prove this Article: Our constitution both in Church and State, has been so admirably contrived, with that Wisdom, Weight and Sagacity, and the Temper and Genius of each, so exactly suited and modelled, to the mutual Support and Assistance of one another, that 'tis hard to say, whether the doctrines of the Church of *England* contribute more to authorize and enforce our civil Laws, or our Laws to maintain and defend the doctrine of our Church.

Can this, (said Mr. Phipps) be meant of the Toleration? Is the Toleration so much as mentioned here? Does he not here speak against such as innovate, alter or misrepresent the Articles of our Faith? Is there any Innovation, Alteration, or Misrepresentation of any Article of our Faith by the Protestant Dissenters? The Dissenters do not differ from us in Matters of Faith, but in Matters of Form and Ceremony; if they differed from us in Matters of Faith, they would be Hereticks. and Heresy was never intended to be tolerated by the Act of Indulgence: And therefore what the Doctor says in this Paragraph, can never be taken to be a Reflection of the Toleration.

Mr.

Mr. Dee's Speech,

MR. Dee begged next the Favour of a few Words on this Article, the first was, That the Doctor reflected on the *Toleration* as it is established by Law. He took Notice that on considering the whole Sermon, there were two distinct *Tolerations* mentioned in it; a *Toleration* that is legal, (for so Mr. Dee called the Act of Indulgence) and a *Toleration* that is general; and they thought that distinction, well observed, would clear the Doctor of any crime in this particular.

That where he reflects on Toleration, it is not the *Legal Toleration*, but the *General*; and if it would bear this Construction, their Lordships would not put the other upon it: for where he had taken Notice of a legal Toleration, (which he hath done only in one Place of his Sermon) he was for extending it to the utmost Bounds; his Words being these, *I would not be here misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government hath condescended to give them, which I am sure all those that wish well to our Church, are very ready to grant to Consciences truly scrupulous, let 'em enjoy it in the full Limits the Law hath prescribed.* But where he spoke against Toleration, 'twas a Toleration of such enormous crimes

as were not fit to be tolerated in any Christian Nation.

That as to the second Part of the Article, for reflecting on Archbishop Grindall, and thereby reflecting on the Toleration, it was given up on the other side? and admitted, that whether true or false it was not material, and then that would hardly amount to a Crime. But that they should be so far from giving up that Point, that they should shew he was false to the Church at that time; and it was a Crime in him to give up the Discipline of the Church. That no Laws were then made to indulge any Separation: And for the Head of the Church, under the Queen, to give up the Discipline of the Church, was an high crime in him; and though it might be thought harsh would bear the true Term of a False Brother.

Dr. Henchman's Speech,

DR. Henchman spoke next in the Doctor's Behalf, against the Charge contained in the second Article of Impeachment, in the two first clauses of which he is said to suggest and maintain, that the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable: And to assert, that he is a False Brother, with relation to God Religion, and the Church, who defends Toleration and Liberty of Conscience. He urged, that it had not been

been said by any of the learned Managers on this Head, that either of these two Branches of this Article were expressly delivered in any part of the Sermon preached at St. Paul's; but what was no where affirmed, was said to be suggested; and that this Charge was maintained by Inferences only, because there was no plain positive Proposition that it could be supported by. That 'twas humbly hoped, That if an Inference might be allowed as Proof to accuse him, an open Declaration would be heard in his Defence: That if what another Man makes him say, be thought ground enough for an Accusation, then certainly what he himself openly declared would be esteemed something more than a dry Caution, and have its due Weight with their Lordships in his Vindication.

That therefore he begged Leave to read a Passage where he explain'd himself, and plainly declared what his Thoughts were concerning the Indulgence granted by Law: That this Passage was in the twentieth Page, where speaking of some wholesome Severities used in former Reigns, he adds, *I would not here be misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them, which I am sure all those that wish well to our Church, are very ready to grant to Consciences truly scrupulous; let*

them enjoy it in the full Limits the Law has prescribed.

Mr. Phipp's Speech.

MR. Phipps, who spoke next, begged their Lordships Patience, while he took Notice of the several Branches of it, and shew'd that the Dr. was not guilty of any Offence therein charged. That as to such Part of this Article, as charged the Dr. *That he doth falsely and seditiously suggest and assert that the Church of England is in a Condition of great Peril and Adversity under her Majesty's Administration; and that to arraign and blacken the Vote and Resolution of both Houses of Parliament, approved by her Majesty, he, in Opposition thereto, doth suggest the Church to be in Danger.* He took Notice, that the first Part of the fourth Article explains this Branch of the third Article, and shews what the Commons meant by the Church being in danger under her Majesty's Administration: For, the first Part of the fourth Article says, *That the Dr. suggests her Majesty's Administration in ecclesiastical and civil Affairs, tends to the destruction of the Constitution; so that by charging that the Dr. asserts the Church is in danger under her Majesty's Administration, it must be intended that he asserts the Church to be in danger, by reason of her Majesty's Administration:*

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And

And therefore, if there be any Expression in the Doctor's Sermon which suggests the Church to be in danger, yet if it be not also therein asserted that the Danger proceeds from her Majesty's Administration, the Doctor could not be an Offender within the Meaning and Intention of this Article: And that the Doctor denied, that he had asserted any thing in his Sermon, from whence any such Suggestions could be inferred.

That to give their Lordships full Satisfaction in this Point, he should first take Notice of the several Clauses in the Doctor's Sermon at *St. Paul's*, which had been cited to make good this Article; That the first Passage quoted for this Purpose, was in Page the 5th. where the Doctor thus expresseth himself, *I shall take the Expression in its full Latitude, without confining it to the express Design of the Place, though it were very obvious to draw a Parallel here betwixt the sad Circumstances of the Church of Corinth formerly, and of the Church of England at present; wherein her holy Communion has been rent, and divided by factious and schismatical Impostors; her pure doctrine has been corrupted and defiled; her primitive worship and discipline prophaned and abused; her sacred Orders denied and vilify'd; her Priests and Professors (like St. Paul) calumniated, misrepresented, and ridicul'd; her Altars, and Sa-*

craments, prostituted to Hypocrites, Deists, Socinians, and Atheists; and this done, I wish I could not say without discouragement, I am sure with Impunity, not only, by our professed Enemies, but which is worse, by our pretended Friends and False Brethren.

' This added he, is the Passage which is chiefly insisted on to make good this Branch of the Article. My Lords, is there not too much Truth in this Clause? Hath not the Communion of the Church been rent and divided by some factious and schismatical Teachers in separate Congregations, who have no Orders at all; and by others, who refuse to take the Oaths, and will not comply with the Act of Toleration; by Popish Priests, who have drawn away Persons from our Communion to their Church? Have not her sacred Orders been denied and vilified by the Papists, who pretend, Arch-bishop Parker was consecrated at the *Nag's Head*? Are not her Altars and Sacraments prostituted to Atheists, Deists and Socinians, who communicate to qualify themselves for Offices and Places of Trust; and yet is there any Thing in this Clause can support this Article? Are these Evils charged upon her Majesty, or is it asserted, that these Mischiefs are owing to, or proceed from, her Majesty's Administration?

Mr.

Mr. Dee's Speech,

MR. Dee, who spoke next in the Doctor's Defence, begged Leave to make a Distinction on the last Article, that is, that these Words, *danger of the Church*, seemed in the Articles to bear one Sense, and in the Doctor's Sermon another.

That Danger suggested in the Article, is a Danger under her Majesty's Administration; which words he thought, were not to be found there, and if they were omitted, then it would stand only thus, *That the Doctor did affirm that the Church of England is under great Peril and Adversity, and if so, he hop'd the Assertion was not criminal.*

That he could not find that the Dr. suggests that there is any form'd Body of Men conspiring to overthrow the Church; but says there are such Men as are false Brethren that endanger the Doctrine and Discipline of the Church. That there was some Sort of Danger appeared by the Form of Prayer daily offer'd up for her Safety, and therefore a general Suggestion of Danger would not have answered the End of the Commons to make the Dr. criminal, without adding the Words *under her Majesty's Administration*; and if they could shew that the Dr. in any Part of his Sermon has charged the Queen with such Admini-

stration as endangers the Church, he (Mr. Dee) should be very much to blame to appear for him at this Bar; but the contrary, he thought appears, when he prays for her life, with these Words added (For the Comfort and Support of this Church and Nation.)

That the Managers for the House of Commons had been pleased to say, that the Dr. had reflected upon the Resolutions of both Houses of Parliament, by drawing a Parallel between the Vote relating to the Murder of King *Charles*, and the Vote of the two Houses, that the Church was not in danger.

But that to make a Parallel there must be two lines, a line first given to draw the Parallel line to, and that in the Doctor's Sermon there was no such first line given, for he had not in all his Sermon taken notice of any Vote of both Houses. That if he had not taken Notice of this Resolution of both Houses in his Sermon, the law would not imply that he had any Notice of it; for Votes are private Resolutions of the Houses, and always were so till of late they had been published in Print; nor would the printing of them infer that he had Notice of them. That the Doctor's distinction in his Answer, is very true and plain, 'That he doth not charge the Persons concerned in passing that Vote with being concerned in that odious and execrable Design
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of carrying on the Murder of that Royal Prince; but that yet at the same time they passed that Vote, that bloody Design was carried on by a private Junctio of Blood-thirsty Men.

That he did not, but supposing he should, admit the Doctor had contradicted the Resolutions of both Houses, he submitted it to their Lordships, what Crime the contradicting a Vote of the House of Commons, or the Resolution of both Houses, is.

That contradicting a known established Law may be seditious; but he submitted it; whether a Vote is so publick an Act, that contradicting it, at least without taking Notice of it, be any Crime, or at least be so high a Crime as to deserve a Censure.

That he might indeed be thought saucy and unmannerly to do it; or it might be a Breach of Privilege; but whether their Lordships will interpret it to be a Crime, and such a Crime as would bear an Impeachment for high Crimes and Misdemeanours, he submitted to their lordships.

That they hoped, that notwithstanding any thing yet offered against the Doctor, that their lordships would be of Opinion, that the acquitting him of this Impeachment, would be a convincing and noble Proof of the undoubted Truth of that Vote, That the

Church of *England*, (of which the Doctor was a true, though an unfortunate Son, whilst under a Charge by the Commons of *Great Britain* for high Crimes) under her Majesty's Administration, was in a safe and flourishing Condition.

Mr. *Dee* having done speaking, Mr. *Dodd* begged leave to produce several Books, wherein there were the strangest Opinions that perhaps their lordships ever heard of; and said, they should first confine themselves to them which relate to Blasphemy, Irreligion and Heresy, which they confessed were not pleasant to be heard, or fit to be published, if it were not absolutely necessary for the Doctor's defence.

Mr. *Phipps* added, they begun with some Miscellaneous Tracts published by Mr. *Edmund Hickeringill*; because he was a *False Brother*: And they thought his Tracts would justify the Doctor in what he had said in relation to the Church being in danger, from the Blasphemy and other enormous Crimes mentioned in his Sermon.

The Clerk having read as follows:

Part I. p. 12. The second Pretender to Infallibility is the Bible and that I admit too, so soon as 'tis agreed which Chapter and Verse is God's Word, and which not, and why.---For as for some Verses and Clauses

Clauses in the Holy Bible, the very Penmen thereof did not sometimes know very well whether the same were the Dictates of the Spirit of God, or no.---Sometimes they write---*Thus saith the Lord*---and not I, but the Lord commands, So and so; And then again, in a Qualm or Quandary, modestly pretend to guessing; *I think also*, says St. Paul, *that I have the Spirit of God*.

Ibid. p. 17. For 'Sabbatizing. The Sabbath, Oh the Sabbath---called by the cunning Priest-craft, not by the Holy Scripture, the Lord's Day, to recommend it the better to the unthinking Mob.---Of all the other seven Days the Priest's best Market Day to put off his Wares, and turn them into Money.

Ibid. p. 21. Family Duties are the next plausible Piece of Priest-craft Divinity, I mean praying with the Family, (not that I condemn it) tho' our blessed Saviour seems to condemn it by his Practice and Preaching.

Ibid. p. 50. King Saul found to his Cost, that he had better have displeased all *Israel*, than Samuel the good High-Priest; and had better have rent the Cloaths off from his own Back, than have rent Samuel's Cassock---It fretted the good Old Gentleman, and in a Passion he said, *God hath rent from thee the Kingdom also, and hath given it to thy Neighbour that is wiser than thou.*

Ibid. p. 51. Then the Lord answered, *take an Heifer with thee, and say I am come to do Sacrifice to the Lord*: The Policy of Heaven, we see, jumps with our late Priest-craft in this, to make Religion the common Covert to hide a Plot.

Then Mr. Dee said, the Rights of the Christian Church was the next Book they should offer to their Lordships, wherupon the Clerk read what follows:

P. 105. At the close of the Supper, the great Meal with them, the Master of the Feast distributed among his Guests small Pieces of Bread; and having first drank of the Grace-cup, delivered it to be handed about: To which Christ, who instituted no new Rights, superadded the Remembrance of his Sufferings: and directs his Disciples as often as they did this, that is celebrate such Festivals, and close them with the *Post-coenium*, to commemorate him after this Manner.

Ibid. p. 102. Does not every one, as well as the Minister, equally apply the Bread and Wine to the same holy and spiritual Use; in commemorating the Benefits received by our Saviour, and in offering up the same Prayers, and desiring the same Blessings: And whoever does this with a due Application of Mind, rightly consecrates the Elements for himself, since this is the only Consecration they are capable of: Any

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The Proceedings of the House of Commons,

thing farther than this may rather be called Conjurat[i]on than Consecration. *said Mr. Dee, whereupon the Clerk read,*

The next out of a Book, called, A brief but clear Confutation of the Doctrine of the Trinity.

p. 9. Clerk reads. The Divinity attrib^d to the Son and Holy Ghost^u is inscriptural and idolatrous;

Ibid. p. 10. This one fundamental false Principle, as well with *Jews* and *Turks*, as the Heathens, has done more Mischief to Christianity than all our other Errors besides.

Ibid. p. 11. For my Part, I declare, I shall never more admire at the Absurdity of either Papists, *Turks* or Heathens; be they gross as they will, I am sure they will never be able to exceed this Doctrine.

Ibid. p. 14. To be short, Trinitarianism is Polytheism, and Idolatry; if there be any such in Nature.

Rev. 17. 5. And upon her Forehead was her Name written *Mystery, Babylon the Great, the Mother of Harlots, and the Abominations of the Earth.* And to what, I pray, in Popery can that Word *Mystery* there so properly relate, as to the Trinity.

We shall next offer the Review,

Vol. II. Num. 112. Whether our Fathers had a Necessity to make those exclusive Laws, and impose as necessary their different Things acknowledg'd to be so, as Terms of Communion: Nor is this all, but supposing they had, which nevertheless I do not grant; then this Address is further pressed to your Lordships, to examine whether that Necessity does yet continue, or no? either of which will be the same thing; for if there either was not a Necessity at the time of their enacting, or that Necessity does not yet remain, let which will happen to fall out, the Act of Uniformity, imposing such and such indifferent Things, as Terms of Communion, will appear scandalous to the Church, injurious to the publick Peace, and a Grievance to the whole Nation.

Ibid. Vol. 3. Numb. 127.
Lest it become a new, proverbial Jest,
To be as wicked as an English Priest.

Ibid. Numb. 93. Drunkenness, Oaths, and abominable Lewdness; Ignorance, Negligence, and scandalous Insufficiency; abhor'd Error, Deism, and Socianism, have overrun the Clergy.

Observer, Vol. 4. Numb. 89.
You know the Courch he means is High Court, which is a Fiction,
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a Church of the Brain, supported by a little, insignificant, trifling Number of brainless People; and the People of *England* are no more concerned about that Church, than about the Institutions of Government laid down in *Moor's Utopia*, *Harrington's Oceana*, or *Bacon's New Atalantis*; and all the Canons, Rights and Ceremonies of that Church, are no more to be considered by you, or me, than so many Ballads, or *Duck-lane Penny Histories*.

Then Mr Dodd said, that the next Thing they should go upon, was to shew several Passages which reflected upon the Queen, the State and Ministry.

Clerk reads.] In short, if *Jure Divino* comes upon the Stage, the Queen has no more Title to the Crown than my Lord Mayor's Horse; all the People are bound by the Laws of God to depose her as an Usurper, and restore their rightful and lawful King *James* the third.

Ibid. Num. 46. If the next Parliament should pursue the Steps of the last, the Nation in my Opinion will be so much nearer that Crisis of Time, when *English Liberty* being brought to the last Extremity must open the Magazine of Original Power.

Ibid. Num. 27. What can be said for Members sitting in the House

to do nothing, making long Speeches without meaning, and voting Bills without design to have them pass.

Ibid. Num. 123. p. 489. The Balance between 41 and 88 will appear to run against him, and the Difference between the dry Martyrdom of King *James* by his passive Obedient Church Subjects, and the wet Martyrdom of King *Char.* the first by People that never made any such Pretence, will appear so small, that it is not worth Dr. D---s while to meddle with it.

Observator, Vol. 2. Num. 89.

Coun. Man. Pray, Sir, are there a great many of those People alive that cut off the Head of King *Charles* the first?

Ob. No, no; they are dead and gone a long Time ago. However the Story serves some Men as Raw-head and Bloody Bones, to affrighten some, and calumniate others. Now for my Part, I know nothing of the Business of King *Charles I.* I was born since the Restoration, and I have so high a value for the Prudence and Justice of our Forefathers, as not to condemn any of their Actions for the common good. We are unkind to ourselves in censuring the Justice of our Forefathers Actions, and thereby do give a handle to our Successors to censure ours. Did our Forefathers de-truncate the Father? Did not we depose the Son, and put one more right-

righteous in his stead? Did we not divest him of all his Regalities, and make him a Fugitive on the Earth? And may not future Ages examine the Difference between the Decoliation and the Abdication.

Ib. Vol. 4. Num. 97. I recite this to let you know the Encouragment the Papists have had in this Reign; when by their Interest they can get such as write against them prosecuted, &c.

Ib. Should I tell you honest Countryman, the Accounts I have had of the Numbers of Popish Priests and Emissaries come into England the first two Years of her Majesty's Reign; it would make your Hair stand on End.

After this Mr. Dodd said, they had done with their Proofs; and gone over the Heads of Blasphemy, Irreligion and Heresy; the Church, the Queen, Ministry, and all Orders of Men reflected upon; Adding, they had cited these Books and Passages,

not to reflect on the Government, but as those which put the Doctor in some Heat and Concern both for the Church and State, and they hoped their Lordships would make the best Construction of the Doctor's Intentions in this Matter. Mr. Phipps said, that if Blasphemy and Irreligion can endanger the Church, if Treason and Rebellion can endanger the Nation; he thought, with great Submission, the Doctor had made good his Answer, and therefore was not guilty of any Part of this Article. Then Mr. Dee beg'd leave that they might apply some Part of the Proofs that they had read that Day to the fourth Article. And Mr. Phipps having acquainted their Lordships, that the other Article would be longer than would be fit to trouble their Lordships with now; they should be ready to proceed when it was their Lordships Pleasure:

Whereupon the Lords adjourned to their House above.





Tuesday, March 7. The Eighth Day.

THE Lords coming down into Westminster-Hall, and being seated in the Manner before mentioned, the Commons and their Managers having taken their Places, the Queen being present, and Dr. Sacheverell appearing at the Bar with his Council, the Lord Chancellor told the latter, they might proceed in his Defence.

Mr. Dodd's Speech.

WHereupon Mr. Dodd said, That the fourth Article contain'd several Heads, 1. *That the Doctor suggests, Her Majesty's Administration tends to the Destruction of the Constitution.* 2. *That there are Men of Characters and Stations in Church and State, who are False Brethren, who determine and betray, and put it in the Power of others to overturn and destroy the Constitution.* 3. *That the Doctor charges her Majesty, and those in Authority under Her, with a General Male-Admini-*

stration. 4. *That he perswades her Subjects to keep up a Distinction of Faction and Parties, instills Jealousies, foments Divisions, and stirs up the Subjects to Arms, and preverts several Texts of Scripture.* That as to the first, the Doctor was so far from suggesting, that her Majesty's Administration tended to the Destruction of the Constitution, That he had not said any thing that could bear such a Construction. That the Doctor denied that he had made any Mention of her Majesty's Administration in Church or State in his Sermon; therefore how could he argue that it tends to the Destruction of the Constitution?

That the Second Part of the Article is, *That there are false Brethren that are Men of Character and Station in Church and State, who undermine and betray, and put it in the Power of others to overturn and destroy the Constitution.*

That the False Brethren by him described, are Persons who propagate false Doctrines, who give up
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the Discipline and Worship of the Church, who are for Neutrality in Religion, or who wish well to the Church, but do not shew their Zeal in obeying her Precepts, and defending her Rites.

That these are the False Brethren intended, which was very different from the Allegation in the Impeachment.

That as to a general Male Administration under her Majesty, he abhorred the Charge, and had nowhere said it. But always, as a good Subject, mentioned her Majesty with the profoundest Duty and Respect; nor did he tax any in Authority with a Male Administration; That the Doctor has on all Occasions, as a good Subject, justified her Majesty's Title; and particularly at the Beginning of this War, he preached a Sermon at Oxford before the University, therein justifying her Majesty's Title to the Crown, and her entering into the War against France and Spain: That as to the Charge of endeavouring to keep up Distinction of Parties, he was so far from it, that he complains of those that have divided us with a Distinction of high and low Churchmen, *they have villainously divided us with knavish Distinctions*; and what could he mean by all this? but a Service to the Government, and that they which raise such false Insinuations, such Fears and Jealousies, are the People he intended and complains of? And as he has

done that, so he took all Opportunities to pray that we may be one Fold, under one Shepherd; and that all invidious Distinctions might be laid aside.

Mr. Dee's Speech.

MR Dee. who spoke next in the Doctor's Defence said, that the Fourth Article was short of the former Articles in the manner of the Charge: For the first Part of it was a Charge upon the Doctor, that he suggests only, That Her Majesty's Administration tends to the Destruction of the Constitution. That as to this Part of the Article (as had been observed) there was no passage in the Sermon mentioning Her Majesty, but with the greatest Respect, and with hearty Prayers for her. That the Words Ministers, or Ministry, were not found in the whole Sermon: Therefore to find any Charge on them by the Doctor, they must look to the Second Part of the Article, which charges the Doctor with suggesting, That there are Men of Character and Stations who are False Brethren, and do undermine the Constitution, and endeavour to betray the Church, and consequently charges Her Majesty with a general Male-Administration. That as to this Part of the Charge, viz, That the Doctor doth suggest, that Men of Character and Stations are Underminers of our Constitution, it was not to be found in any Part of the Sermon; but

but if he did suggest that Men of Character and Stations (not saying of what Characters, or what Stations) are False Brethren (if their Lordships took Notice what those Men are, whom the Doctor calls False Brethren) it would not be a sufficient Ground for a Charge of High Crimes and Misdemeanors: That there were four sorts of Persons that the Doctor charged as False Brethren, Those that propagate False Doctrines, Those that give up the Discipline of the Church, Those that are for a Neutrality in Religion, and Those that own themselves to be of the Church, but live not according to her Rules. That to say that there are some Men of Character and Stations in the Nation that are false Brethren, within some one or other of these Descriptions, He wish'd he could say it was not true. But when the Doctor comes to charge some Persons as Underminers of the Church and Constitution, they were described to be either those Persons that subvert the Fundamentals of Religion, as Atheists, Deists, Socinians, and such like, or Occasional Conformists, Persons that creep into the Church only with a Design to do it Mischief. And he thought these Persons might be justly said to be Underminers of the Church.

That as to the general Charge against the Doctor, that he excites the People to Rebellion, if this could be naturally inferr'd from his Words he must be guilty of Self-Contradiction, and ought rather to

be pityed as a weak, foolish Man, than punished as a cunning incendiary: For when he had so positively affirmed the utter Illegality of Resistance to the Supreme Power, if any thing had dropt from him in the same Assembly tending to Rebellion, he would have exposed himself to utmost Ridicule. That some Things had been observed out of the Preface to his Sermon at St. Paul's; one Expression was that of sounding a Trumpet, which he should not have thought worth taking notice of, but that some of the Gentlemen did lay some stress on it, as if this were sounding an Alarum, exciting People to Arms. That he conceived that the Words out of the Mouth of the Doctor bear the same Sense as out of the Mouth of the Prophet. But for fear he should be misconstrued, the Doctor explain'd himself by the Words immediately following, and shew'd that such Prohibition or Restraint laid on the Clergy, as are there suggested, are expressly contrary to the Command of God: His Words being these; *We are told by these Men, who would shut both our Eyes and our Mouths, in order the more effectually to undermine and destroy us, that the Pulpit is not a place for Politicks, and that it is the Business of a Clergyman to preach Peace, and not sound a Trumpet in Sion; so expressly contrary to the Command of God, to cry aloud and spare not: So that these Words did* plainly

plainly interpret what the Doctor meant by sounding a Trumpet.

That the Doctor had never before been charged with Disloyalty to the Government; he had always been a Man of that Probity, and of so blameless a Life and Conversation, that he had not been so much as attacked on that Account. And when a Man of his Character was brought before their Lordships for a Sermon preached in a publick Congregation, for a Doctrine that is the Doctrine of the Church of *England*, and for which he has the Authority of so many of the Fathers of that Church, as well as of many of her learned Sons, by an *Impeachment* on that Account, surely he might be allowed to say this: 'His Lot (*at least*) is hard, that he should be made the First and so Solemn Example, when he only followed so many and great Examples, as have been set him from the Beginning of the Reformation down to this Time. Concluding, that when their Lordships consider'd the Circumstances of the Doctor, he hoped they would think that the Defence of this Prosecution must be a sufficient Punishment for any of the Crimes he was charg'd with, and of which he could be supposed Guilty; and he submitted him and his Cause to their Lordship's Justice.

Hereupon Sir *Joseph Jekyll* said, he had the Commands of the Gentlemen employed in this Service

with him, to mention to their Lordships, that they were under a great Surprize, that the Council for the Dr. should take upon them to propose to their Lordships, that the Dr. might speak after the Commons Reply; and that he had Instructions (since the Doctor's Council had referred some Part of the Defence to himself) to tell the Dr. that if he had any thing to say for himself, now was his Time, before the Commons Reply; the Commons claiming it as their Right to speak last. Mr. *Dodd* submitted to it, and desired the Dr. to go on: Hereupon Dr. *Sacheverell* addressing himself to the Lords, said,

Dr. Sacheverell's Speech.

THAT the defence made by his Council had been so full, and particular, and the Tryal itself drawn into so great a Length, that he should not add to their Lordships Trouble by saying any thing for himself, did he not think that in such a Cause as this, wherein the Doctrine of our Church, the dignity of that Holy Order to which he belong'd, and even the Common Interest of Christianity itself, were so nearly Concern'd) it became him not to be altogether silent.

For it has been own'd by some of the Managers for the Honourable House of Commons, that tho' he was the Person Impeach'd, yet his

his Condemnation was not the thing principally aim'd at. That he was, it seems, an insignificant Tool of a Party, not worth regarding; that the avow'd Design of his Impeachment was, by the means of it to procure an Eternal and Indelible Brand of Infamy to be fix'd, in a Parliamentary way, on all those who maintain the Doctrine of Non Resistance, and to have the Clergy directed with Doctrines they are to Preach, and what not. And therefore, as Insignificant as he was in himself, yet the Consequences of his Tryal (if rightly represented to their Lordships by some of those Gentlemen) were of the highest Moment, and Importance. That since he was the unfortunate Occasion of bringing these Matters in Judgment before their Lordships; it would behove him, he thought, after what had been Pleaded in his behalf by his Council learned in the Law; to say somewhat also for himself, in order to clear the Innocence of his Intentions, and remove that load of Guilt and Infamy, which might be laid upon him, should their Lordships determine, (as he trusted in God, they would not) that the Articles of Impeachment Exhibited, had been made good against him.

That with their Lordships Permission then, he should lay before them some few General Remarks, which in his humble Opinion might

be added to what his Council had already observ'd, concerning the Methods taken by the Managers for the Honourable House of Commons, to Prove and Support the Articles of their Charge. And should then, with their Lordships leave, say somewhat severally to the Articles themselves, which might serve to Remind their Lordships of what his Council before offer'd more at large, and with greater Advantage.

That the Charge brought against him in these Articles was of a very High, and Heinous Nature; and had it been as clearly made out, as it had been strongly affirm'd, it would justly have expos'd him to a very severe Sentence. But the more heinous the Charge was, the more evident and undeniable he should think, the Proof ought to be. And how, my Lords, said he, has this Charge been supported in the several Articles of it? By plain, direct, and express Passages produc'd, and read to your Lordships out of my Sermons; or by Intendments, unnecessary Implications, and strain'd Constructions? By laying entire Sentences before your Lordships, and relying upon what was manifestly contain'd in them; or by piecing broken Sentences, and conjoining distant and independant Passages, in order to make me speak, what I never thought of?

That he was Charg'd in the First
E e e Article,

Article, with having Maintain'd, that the necessary Means us'd to bring about the late happy Revolution were Odious and Unjustifiable; in proof of which it had been urg'd, that he had in General Terms asserted, the utter Illegality of Resistance to the Supreme Power upon any Pretence whatsoever. But that the Resistance in that Passage by him Condemn'd, was no where by him applied to the Revolution; nor was it applicable to the Case of the Revolution, the Supreme Power not being then Resisted.

That the Doctrine he Preach'd being the Doctrine of the Homilies of our Church, not express'd only in a few particular Passages of those Homilies, but perfectly agreeable to the whole Tenor, the main Scope and Design of them; and those Homilies being Establish'd by the Thirty Nine Articles, as containing godly and wholesome Doctrine; and those Articles being confirm'd by the 31th of *Q. Elizabeth*, and that Statute being made Perpetual, and Fundamental to our Constitution by the late *Act of Union*; he left it to their Lordships to consider, how far the Condemnation of him, on the account of that Doctrine, might affect, and shake the present Frame of the British Constitution in Church and State, and tend to Dissolve the Union of the two Kingdoms.

That upon the second Article,

he would humbly pray their Lordships to consider, that he had no where in his Sermon shewn any the least Dislike of the Indulgence granted by Law to Dissenters; that on the contrary, He had declared his Approbation of it in the most express Terms imaginable.

That this then, and still was his sincere Opinion, nor was he conscious that he had utter'd one Word inconsistent with it. He had indeed blam'd, and perhaps with some Warmth and Earnestness blam'd the Abuses, which Men of no Conscience have made, of the Legal Exemption, granted to Consciences truly scrupulous: Nor could he think that those Reprehensions of his, would have drawn upon him the Displeasure of any sincere Christian, which were levell'd against Hypocrites, Socinians, Deists, and such as, under the Umbrage of that Act, which permits Protestant Dissenters, and those only, to serve God, every Man in his own way, think themselves at Liberty to be of no Protestant Congregation, of no Religion at all.

That he would farther ingeniously own to their Lordships, that he had in his Eye some Abuses made of that Act by the Dissenters themselves; who, he was told, do (both Pastors and People) rarely observe the Qualification prescrib'd by that Act; and who erect Seminaries for Educating Youth in principles opposite

opposite to the Doctrines, Discipline, and Worship of our Church: Whereas that Act was intended for the Ease of those, whose Minds through the unhappy prejudices of Education, were already Estranged from the Church; not as he humbly conceived, to indulge Men in taking the most effectual Methods to propagate, and perpetuate their Schism.

That he humbly craved their Lordships Patience yet a little longer, whilst he spoke to what was alledg'd in the fourth Article, which charged him with many Crimes of a very high and flagrant Nature; none of which had been endeavour'd to be proved upon him, otherwise than from supposed Suggestions, and undetermined Expressions, and he must still, with their Lordships Leave, humbly insist upon it, that where the Expressions are doubtful, there the favourable Sense is always to be preferred.

That after all that had been said by the learned Managers for the Commons, what Minister of State, he besought their Lordships, had he been proved to reflect upon, directly, or indirectly? Where, and how did he by any Suggestion, charge her Majesty, or those in Authority under her, with a general Male-Administration? How did he persuade her Subjects to keep up a Distinction of Parties, and Factions, while he reproved those who divided us by knavish Distinctions,

and while he persuaded his Fellow-Subjects to lose and forget them? How was it possible he should stir up the People to Arms and Violence when he was endeavouring to convince them of the utter Illegality of Resistance upon any Pretence whatsoever? That these things seem'd to be inconsistent, unless a Man may be thought a Rebel for recommending Loyalty, or seditious for preaching Sedition.

That he remember'd indeed, at the opening of this Charge against him, that one of the Managers for the House of Commons, vouchsafed to offer his charitable Assistance towards reconciling this seeming Inconsistency; for he was pleas'd to suppose, that when he spoke against resisting the Sovereign, he had not the gracious Queen, but some other Person in View; And that he might therefore agreeably to his Principles of Non-Resistance stir up the People to Arms and Violence against her sacred Majesty. That their Lordships would once more pardon his Earnestness, if he called God to witness, that he utterly detested any such traiterous Intention; and he should in his own Opinion be unworthy of the Name of a Christian, if he could give himself leave to cast such a black and groundless Imputation upon any one in like Circumstances with his, who had given all possible Evidences of his Duty and Affection.

Affection to the present Government.

That he had taken the Oaths of Allegiance to her Majesty, and that of Abjuration against the *Pretender*, and when therefore he preached the Doctrine of Non-Resistance, it was most apparent, that the Government, which he persuaded his Fellow-Subjects not to resist, was the present Government; and he humbly conceived that the present Government could never be overturned, if it were never resisted.

How true a Zeal, and Affection, he had always born to her Majesty's Person and Government, he left to be judged by their Lordships, and the whole World, from those publick Demonstrations which he had given of it, at all Times, when he had Occasion to make Mention of either. That he hop'd their Lordships would pardon him; if he referred to his own printed Expressions, as an evident Proof of his unfeigned Duty, and Allegiance.

If, to call it the most inestimable Blessing this Nation could enjoy, that her Majesty, the good and pious Relict of the Royal Family, sits now happily upon the Throne of her Ancestors; if to pray, that God may long preserve her for the Comfort and Support of the Church, as the only Security, under God, it has to depend upon; if earnestly to contend for the Safety, Rights, and Establishment of her Majesty, toge-

ther with those of the Church; If to vindicate her Majesty's Title to the Crown against the Usurpations, Pretences, and Encroachments of her Adversaries, and to assert her Right to the Throne to have been so clear, manifest, and undoubted, that even her worst Enemies (could such a pious Princess be supposed to have any) must acknowledge it; that she was proclaimed as it were by the Voice of God, in the universal Joy, Satisfaction, and Unanimity of her Subjects, that her personal Merit exempted from that, made her worthy of a brighter Diadem than she wears; If to persuade her Subjects with the most hearty Zeal and Generosity, to enter into a necessary War, for the Defence of her Majesty, and the common Preservation of our Church, Liberties, and Constitution, against a powerful Adversary; If, to beseech God to prosper so good an Undertaking, to give an happy Event and Issue to such a rightful Cause, to crown our Arms with Victory, and to make them as successful, as they are just, and honourable: And that, in order to this, we are all bound, both in Duty to God, and our Sovereign, as well as by our own Interest, unanimously, and heartily to assist, and support her under this great Undertaking, as far as our Prayers and Estates, Lives, and Fortunes can serve her: If, to persuade her Subjects, that the great and threatening Dangers of our Enemies should have

have that just Effect upon us, to Unite us, as much in our Resolutions and Affections, as they do in our common Interests, Apprehensions, and Troubles; If to set out the Blessings we enjoy in the wise Constitution of the Government and Laws, in the most refin'd Policies of our Parliament and Ministry, in the Strength and Number of our Armies, Fleets, and Confederates, in the Care and watchful Vigilance, the Courage, Resolution and Conduct of our General, and *above all* in the Piety and Prudence of our *most gracious Queen*, if to affirm that she daily gives fresh Instances of her Wisdom, in the happy Administration of her Government, and in nothing more shews her Policy, and distinguishing Judgment, than in making Choice of such Ministers of State, who are acceptable to their Country, and express such a Zeal and Steadiness in its Service and true Interests, and whom nothing could Bribe, or Betray into a Party, wherein it might any ways seem to be endanger'd; That if this, said he, is falsely and maliciously to Suggest that her Majesty's Administration both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution; If this be Instilling groundless Jealousies, fomenting destructive Divisions, and stirring up her Majesty's Subjects to Arms and Violence, a-

gainst any but her Enemies, then he was Guilty of this Article of Impeachment; otherwise, he was Innocent.

That when he consider'd that he now stood, and was judg'd for some of the Doctrines of that Gospel, which God deliver'd unto our Fathers, and they, the Lords, the Bishops, their Successors, had receiv'd from Christ and his Apostles, as the sacred Depositum of the Church, to be Maintain'd inviolably in its Primitive Simplicity; when he considers, what is the Cause for which he was that Day call'd in Question; that it is one of those Eternal Truths, which they were so Solemnly Commission'd to Teach, and earnestly Contend for; when he consider'd, that 'tis what our Blessed Lord and his Apostles seal'd with their precious Blood, and so many Primitive Martyrs maintain'd even in the midst of Flames, so many Learned Bishops, and Confessors recommended to Posterity in their immortal Writings, as the distinguishing Badge, and Glory of our Reformation; nay when he consider'd, that 'tis what the Lords, the Bishops themselves had already supported with incontestable Reason, and Authority; it was no small Satisfaction to him to think, that as their Lordships are his Judges, so he hoped in God, they must be his Advocates. What a Guilt added he, as well as Dis-

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grace,

grace, would it justly devolve upon the Clergy, to recede from any Principle of our *excellent Church*, especially from what has been so long retain'd, and boasted of, as its peculiar Character! By abandoning which, we must relapse into some of the worst Doctrines even of Popery itself, and render ourselves the most contemptible, as well as inconsistent Church in the World! I think, I may therefore with Confidence use the Words of the Great Apostle to his Accusers, *having obtain'd Help from God, I continue unto this Day, witnessing both to small and great; saying none other things than those which the Prophets and Moses (I may add Christ and his Apostles) did say.*

For my Lords, (continued he) if I have committed any Faults or Errors in this Expression, yet as I insist upon my Innocence with respect to all the High crimes laid to my charge, so I must still insist upon all the Doctrines which I have taught, as being agreeable to the Word of God, and to the Doctrines of our most excellent and truly Apostolical Church, and which we of the clergy are oblig'd both by Subscription and Oath to acknowledge, and defend. And how hard are our circumstances, if we must be punish'd in this World for doing that, which if we do not, we shall be more heavily punish'd in the next! What a condition are we in,

if we are commanded to cry aloud and spare not, to exhort, rebuke, in Season and out of Season, on the one Hand, and prosecuted, imprison'd, ruin'd on the other! If this be our Case, who indeed is sufficient for these things?

And how truly may we of the Ministry, above all Men living, apply to ourselves those Words of the Apostle, *If in this Life only we have hope in Christ, we are of all Men most miserable*: But our Comfort is, that our Hope in Christ is not only in this Life. Justly might we be reproach'd, and deserve some of those Reflections, which in these licentious Times are so plentifully poured upon us, were we not ready to practise the Doctrines we preach, of Self-denial, taking up our Cross, and patient Submission to Sufferings and Afflictions! For my own part, it matters not what becomes of me, nor is my Deliverance, or Ruin, of any moment to the World; for, if it be, I am ready not only to be bound, but to die, could I by that do service to my Queen, my Church, or my Country; neither count I my Life dear, so that I might finish my Course with Joy, and the Ministry which I have received of the Lord Jesus. But may God so direct your Lordships, that through me a Wound may not be given to the Doctrines of the Scriptures, and of the Church, which Christ hath purchas'd with his own Blood.

And

And so, (said he in the Conclusion) with all Humility and Resignation, I submit my self to your Lordships Judgment, be it what it will, one Thing, I am sure it can never take from me, the Power of wishing and praying, and (whether in Prosperity or Adversity, whether I am acquitted or condemned) I shall always pray for the Queen my Sovereign, for your Lordships my Judges, and for the Commons my Accusers; most earnestly beseeching Almighty God, to deliver all Orders, and Degrees of Men amongst us, from all false Doctrine, Heresy, and Schism, from Hardness of Heart, from Contempt of his Word and Commandment, from Envy, Hatred and Malice, and all Uncharitableness.

The Doctor having done speaking, the Lords adjourned to their House above. But it is to be observed that the Doctor's Speech made so great an Impression on the Generality of the Ladies there present, that many of them could not forbear shedding Tears. However it had a contrary Effect on some of the Spectators, who did not approve his Imprecations against what he seemed to have plainly delivered in his Sermons.

On Monday the 20th of March, the Lords, adjourned into Westminster-hall, and being there, and the Commons, in a Committee of the whole House having taken their

Places, the said chancellor said.

Your Lordships having fully heard and consider'd of the Evidence and Arguments in this case, have agreed upon a Question, which is severally to be put to your Lordships in the usual Order: The Question is this; That Dr. *Henry Sacheverell* is Guilty of High crimes and Misdemeanors charged on him by the Impeachment of the House of commons:

Then the Lord Chancellor in numbring them up, he found that there were in all One hundred and twenty one; of these Sixty nine had found Doctor *Henry Sacheverell* guilty of the high Crimes and Misdemeanors charged on him, and Fifty two found him not Guilty.

Then Dr. *Henry Sacheverell* was brought to the bar, and kneeled till he was bid to stand up by the Lord Chancellor, who told him, Doctor *Henry Sacheverell*, *The Lords having fully considered of your Case, have found you Guilty of high Crimes and Misdemeanors, charged on you by the Impeachment of the House of Commons.*

Then Doctor *Sacheverell* said, my Lords, one of your Lordships Officers acquainted me, that it was your Lordships Order that neither I nor my Council might have the Privilege of standing at the bar while your Lordships were giving your Opinions whither I was Guilty of the Crimes laid to my charge; by which Means I was prevented from

from offering several Matters to your Lordships Consideration, in Arrest of Judgment, which I now beg Leave to offer to your Lordships Consideration, and I desire my Council may be heard to them. The first is, That no entire Clause, Sentence or Expression, contained in either of my Sermons or Dedications, is particularly set forth in my Impeachment, which I have already heard the Judges declare to be necessary in all Cases of Indictments or Informations.

I desire to add another Exception, That the Impeachment is by the Knights, Citizens and Burgeses, Commissioners of Shires and Burghs, in the Name of themselves and of all the Commons of *Great Britain*; but the Articles are only by the Knights, Citizens and Burgeses, in the Name of themselves and of all the Commons of *Great Britain*, which is neither agreeable to the Impeachment, nor to the Title of the House of Commons since the happy Union.

Then the Lords adjourned to the House above; where they took into Consideration the Matter moved by Doctor *Sacheverell* in Arrest of Judgment; and thereupon ordered,

That this House will, To-morrow at Eleven of the Clock, take into Consideration what Censure to pass upon the said Doctor *Henry Sacheverell*.

Accordingly on the 21st of *March* the Lords took into Consideration,

What Censure to give upon *Henry Sacheverell*, Doctor of Divinity.

And it being proposed as follows,

First, That Doctor *Henry Sacheverell* be enjoined not to preach during the Term of seven Years.

Secondly, That for the same Term of Years, to be made incapable of receiving any other Ecclesiastical Benefices, than what he now enjoys.

Thirdly, That he be imprisoned in the Tower, for three Months, and until he find Sureties for his good Behaviour during the Term of seven Years, before the two chief Justices.

Fourthly, That his Sermons be burnt by the Hangman, at the *Exchange*, in the Presence of the Lord Mayor and Sheriffs.

Then the House took the proposed Question into Consideration, Paragraph by Paragraph; and after Debate upon the first Paragraph,

It was agreed to leave out the Word (Seven) and it being proposed instead thereof to insert the Word (Three.)

The Question was put,

Whether the Blank in the first Paragraph shall be filled up with the Word (Three.)

It was resolved in the Affirmative.

Then the Question was put,

That Dr. *Henry Sacheverell* shall be enjoined not to preach during the Term of three Years.

It was resolved in the Affirmative. Then

by the Hands of the Common Hangman, in the Presence of the Lord-Mayor of the City of *London*, and the Sheriffs of *London* and *Middlesex*.

To the Lord-Mayor of the City of London, and the Sheriffs of London and Middlesex.

The House taking into Consideration a Judgment and Decree of the University of *Oxford*, pass'd in their Convocation the one and twentieth of *July*, one thousand six hundred eighty three, given in Evidence by Doctor *Henry Sacheverell* at his Tryal, upon the Impeachment of the House of Commons, and thereupon lately Reprinted, It is Resolved by the Lords Spiritual and Temporal in Parliament assembled, That the said Judgment and Decree contains in it several Positions contrary to the Constitution of this Kingdom, and destructive to the Protestant Succession as by Law Establish'd.

It is thereupon Ordered by the Lords Spiritual and Temporal in Parliament assembled, that the said Judgment and Decree, lately Printed and Publish'd in a Book or Pamphlet, intitl'd, *an Entire Confutation of Mr. Hoadley's Book of the Original of Government, taken from the London Gazette, Publish'd by Authority, London, Reprinted in the Year 1710*, shall be burnt by the Hands of the Common Hangman, in the Presence of the Sheriffs of

London and *Middlesex*, at the same Time and Place when and where the Sermons of Doctor *Henry Sacheverell* are ordered to be Burnt.

To the Sheriffs of London and Middlesex.

The Commons being return'd to their House, the Lord-Mayor of *London*, who was not a little mortify'd at his being, by the Lords Sentence, oblig'd to assist at the Burning of a Sermon he had approv'd, and the Printing whereof (as Doctor *Sacheverell* asserts in his Dedication) he had commanded, desir'd and mov'd, That he might be excus'd from Attending at the said Execution, he being a Member of the House. And a debate arising thereupon, the same was put off, 'till the House was inform'd what Answer the Lord-Mayor had returned to the Sheriffs, when they should demand of him, whether he would attend, or not: And so that Business dropt.

On the 24th of *March*, there was a great Debate in the House of Commons about a Motion, that an humble Address be presented to her Majesty, that she be graciously pleas'd to issue her Royal Proclamation to appoint a Day of publick Fasting and Humiliation, to deprecate the Divine Vengeance, which they had just Reason to fear, on account of those horrid Blasphemies which had been vented, publish'd and Printed in this Kingdom, notwithstanding

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withstanding her repeated Proclamation that had been issu'd for putting the Laws in Execution against the Authors, and the several Prosecution against such Offenders. Those who made and backed this Motion, being Doctor *Sacheverell's* Friends, thought thereby, in some Measure, to justify what he had advanc'd in his Sermon, about the *Church being in Danger*, which in his Defence, he had ascrib'd to the heretical and blasphemous Positions lately Publish'd: but some Members, who perceiv'd the Tendency of that Motion, propos'd that to the said Address the following Words should be added, Many of which Blasphemies have again, in a most irregular, extraordinary, and insolent Manner been printed, publish'd, and dispers'd throughout the Kingdom, to the Scandal of all good Christians, by Doctor *Henry Sacheverell*, during the Course of his late Trial. Those who made the Motion, not liking this Addition, would have dropt the Address; but the others insisting that it should be presented; the Question was put, and resolv'd, in the Affirmative, by a Majority of 144 Voices against 69: However, when the said Address was, by Mr. *Secretary Boyle*, presented to her Majority, She was pleas'd to return this Answer:

A publick Fast having been in this part of the Kingdom on the Fifteenth of this Month, which is

yet to be observ'd in *North Britain* on the twentieth ninth, her Majesty thinks it not proper to appoint another Fast so soon, but will take it into her Consideration at a more convenient Time.

The same Day (*March* the 24th) a Complaint being made to the House of a printed Book, intitl'd, Collections of Passages referr'd to by Doctor *Henry Sacheverell*, in his Answer to the Articles of Impeachment, under four Heads, 1. Testimonies concerning the Doctrine of Non-Resistance to the supreme Powers. 2. Blasphemous, Irreligious, and Heretical Positions, lately publish'd. 3. The Church and Clergy abus'd. 4. The Queen, State and Ministry reflected upon. The second Edition. Which Book was produc'd, and brought up to the Table, where some Paragraphs (under the Head of Blasphemy, Irreligion and Heresy) were read? after which it was order'd, That the said Book should the next Day, be burnt by the Hands of the Common Hangman; and that the Sheriffs of *London* and *Middlesex* should assist the Serjeant at Arms attending the House, in seeing the said Book burnt.

The next Day, (*March* the 25th) upon a Complaint made to the House, by Dr. *Sacheverell's* Friends, of a printed Book, intitl'd, The Rights of the Christian Church asserted, against the *Romish*, and all other

other Priests, who claim an independent Power over it, with a Preface concerning the Church of *England*, as by Law establish'd. And also of another printed Book, intitl'd, A Defence of the Rights of the Christian Church, in two Parts. Part first, against Mr. *Wooton's* Visitation Sermon, preach'd at *Newport-Pagnel*. Part second, Occasion'd by two late Indictments against a Book-seller, and his Servant, for Selling one of the said Books; with some Tracts of *Hugo Grotius*, and Mr. *John Hales*, of *Eaton*. The second Edition Corrected. To which is added, a Letter from a Country Attorney to a Country Parson, concerning the Right of the Church, never publish'd before. And likewise Monsieur *Le Clerc's* Extract and Judgment of the said Book, translated from his *Bibliothèque Choise*. London, printed in the Year MDCCIX. The same were produc'd, and brought up to the Table; and some Paragraphs and Passages therein contain'd being read, it was resolv'd, That the said Books are Scandalous, Seditious, and Blasphemous Libels, highly Reflecting upon the Christian Religion, and the Church of *England*, and tend to promote Immorality and Atheism, and to create Divisions, Schisms, and Factions among her Majesty's Subjects; and order'd, That the said Book be that Day burnt by the Hands of the common

Hangman. A Complaint being likewise made to the House, of a printed Book, intitl'd, *Tractatus Philosophico Theologicus de Persona*: Or a Treatise of the Word Person; shewing, 1. How it signifies in respect of Men. 2. How it came in Use, with respect to the Deity. 3. How it hath been us'd since by Divines. 4. How it is to be understood, with respect to the Doctrine of the Trinity, as held by the Church of *England*, and establish'd by our Laws, and particularly by the Act 9 and 10 of William the Third. By *John Clendon*, of the *Inner-Temple*, Esq; Printed for *John Walthoe*, in the *Middle-Temple* Cloysters; the same was produc'd, and brought up to the Table, and some Passages therein being read, it was resolv'd, That the said printed Book is a Scandalous, Seditious, and Blasphemous Libel, highly Reflecting upon the Christian Religion, and Church of *England*, and tends to promote Atheism, Schism and Immorality: and to create Factions and Divisions among her Majesty's Subjects; Ordered, that the said Book be that Day burnt by the Hands of the common Hang-man; and resolv'd, that an humble Address be presented to her Majesty, that she would be graciously pleas'd to direct her Attorney-General to Prosecute the Authors of the said printed Books, and the Publishers thereof, and the Authors and Publishers

Publishers of all other Scandalous, Seditious and Schismatical, Atheistical and Blasphemous Books.

According to the Orders of the Commons, Dr. Sacheverell's Collections, and the Books they had censured, were that Day burnt in the *Palace Yard, Westminster*, as

were the *Monday (March the 27th)* following, before the *Royal Exchange*, the Doctor's two Sermons; as also the Decree made by the *University of Oxford*, in *July 1683*, asserting the Doctrine of Passive Obedience and Non-Resistance.

Dr. Burnet, Bishop of *Salisbury*, his Speech in the House of Lords, on the first Article of the Impeachment against Dr. *Henry Sacheverell*.

THE Council for the Prisoner did so plainly and fully yield all that any Loyal Subject has ever pretended to, that in Cases of extream Necessity Self Defence and Resistance were Lawful, and that this was the Case at the Revolution; that it might not be necessary to say anything further on this Head, if it had not been that the Evidence they brought seemed to carry this Matter much further, and that the Prisoner himself allowed of no Exception, in Cases of Necessity. And since it was grown to be a vulgar Opinion, That by the Doctrine of the Church of England, all Resistance in any Case whatsoever, without Exception, is condemned; he thought it was incumbent on him, who had examined this Matter long and carefully, to give their Lordships such a clear Account of this Point, as might as fully satisfy them as it did

himself. That he served in the Revolution, and promoted it all he could. He served as Chaplain to the late King: he had no Command, and carried no Arms, but he was so far engaged in it, that if he could see that he had gone out of the Way in that (and the many Up and Downs we have gone thro' since, has given much Occasion to reflect on that Transaction) he should hold himself unworthy to appear longer, either in that habit, or in that Great Assembly: but should think himself bound to pass away the rest of his Life in Retirement or Sorrow. There being nothing more certain in Religion, than that we ought to repent of every Sin we have committed; and that we cannot truly repent, unless we repair and restore as far as it is in our Power.

I go now, continued he, to give you the Account of the Doctrine of
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our Church in this Particular. In the Times of Popery it was a Tenet, built upon Bishops setting the Crown on the Heads of Princes, and anointing them, that they held their Crowns of the Church, and at the Pope's Mercy; who had for about 500 Years got into the Claim of deposing them, and giving their Dominions to others, in case they are Hereticks, or the Favourers of them. But the Reformation being in its first Beginning protected by the Princes of Germany, by the Kings of the North, and then by the Kings of England; they came every where in opposition to the Papal Notions, to say that Kings had their Power from God: Not that they meant, that they had any distinct Authority besides the Law of the Land derived to them from God; but by that the Laws of God, the Authority of the Law of the Land was secured to them. For when a different Authority from that of the Law came to be pretended to, and to be grounded on these general Expressions that received here a Parliamentary Censure, and it was then declared that the Laws of Religion in the Scripture did not only establish the several Constitutions and Governments that were in the different Parts of the World.

The Occasion that the Apostles had to write what we find in their Epistles, with relation to Government, was this; the Jews had a Notion among them from a Passage in Deu-

teronomy, that they were only to set a King over them, One from among their Bretheren, and not a Stranger. From whence it is, that to this Day they do not think they are bound in Conscience to obey any Magistrate, who is not one of their Nation. Now the first Converts to Christianity being Jews, the Apostles took Care that they should not bring this dangerous Notion with them into the Christian Religion: But they did not meddle to determine where this Authority was lodg'd, that was to be gather'd out of the several Constitutions: They did not determine how much was due to the Emperor, and how much to the Senate: And tho' not long after those Epistles were writ, the Senate condemned Nero to die, More Majorum, to be whip'd to Death; none of the Christians interposed in that Matter. He prevented that infamous Death by his own Hands: And the Primitive Christians reckon'd it one of the Articles of the Glory of their Religion, that their first Persecutor came to such an End.

Not long after that Trajan was fam'd for that memorable Expression, when he deliver'd the Sword to the Governours of the Provinces, as the Emblem of their Authority, he us'd these Words, Pro me, si merear in me; For me, but if I deserve it against me. That did not weaken his Authority: His good Government with that of his Successors for above 80 Years, being the greatest and hap-
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piest Time the Romans had under their Emperors. This Word was put on King James the First's Coin in Scotland: It is true, that was during his Minority; but when he afterwards changed his Motto, the Coin was not call'd in, but continued current till the Union.

The Primitive Christians had no Laws in their Favour, but many against them: So their patient Suffering so many Persecutions according to the Laws of the Empire, under which they liv'd, was conform to the Doctrine laid down by the Apostles. When they came afterwards to have the Protection of the Laws, they claim'd the Benefit of them, not without great Violence, when they thought an Infraction was made on those Laws: Which broke out into great Tumults, in many of the chief Cities of the Empire, not excepting the Imperial City itself.

But, said he, to proceed with the History of our Church: When the Articles of Religion were settled, the Books of the Apocrypha were indeed declar'd not to be a Part of the Canon of the Scripture, but yet to be useful for the Example of Life, and the Instruction of Manners.

A great Part of these are the Books of Maccabees, which contain the History of the Jews shaking off the Yoke of the Kings of Syria, when they were broke in upon by a total Overthrow of their whole Law, and an unrelenting Persecution. Mat-thias a private Priest began the Re-

sistance, which was carried on by his Children, till they shook off the Syrian Yoke, and formed themselves into a free Government, under the Family of the Maccabees. It were easy to shew that the Jews had been for above 400 Years subject, first to the Babylonian, then to the Persian, and at last to the Grecian Empire: So that by a long Prescription they were Subjects to the Kings of Syria. It were easy also to shew that this Resistance was foretold by Daniel, in Terms of high Commendation, and is also mention'd in the Epistle to the Hebrews, as the Work and Effect of Faith.

If then all Resistance to illegal and barbarous Persecution, is unlawful; these Books contain nothing but a History of a Rebellion, and all the Devotion that runs through them, is but a Cant, and instead of reading them as Examples of Life, and Instruction of Manners, we ought to tear them out of Bibles with Detestation. I shall afterwards shew what use was made of these Books, not only by private Writers of our Church, but by what the whole Body in Convocation was about to determine.

The next step to be made, is, to consider the Homilies: The second Book of Homilies, which has the Homilies in it, against Wilful Rebellion, is generally believed to have been compos'd by Bishop Jewell, who was by much the best Writer in that Time. It is certain, he understood the

the meaning of them well: Now I will read you two Passages out of his Defence of his Apology for the Church of England; from whence we may clearly gather what his Notion of the Rebellion was, and that he thought a Defence against unjust and illegal Violence was not Rebellion. In one place he has these Words:

The Nobles of Scotland neither drew the Sword, nor attempted War against the Prince: They fought only the Continuance of God's undoubted Truths, and the Defence of their own Lives against your barbarous and cruel Invasions: They remembred, besides all other Warnings, your late Dealings at Vassy, where great Numbers of their Brethren were murdered, being together at their Prayers in the Church, holding up their innocent Hands to Heaven, and calling upon God. In another place he writes, Neither do any of all these (Luther Melancthon) teach the People to rebel again the Prince: but only to defend themselves by all lawful Means against Oppressions, as did David against Saul, so do the Nobles in France at this Day, they seek not to kill, but to save their own Lives.

He urg'd, That these Passages shew that Bishop Jewell looked on Rebellion to be a violent Rising against a Prince executing the Laws, which was the Case of the three Rebellions in England that they had in

view: That in King Henry the VIIIth's, in King Edward's, and in Queen Elizabeth's Time, where the Papists took Arms against their Prince, who was executing Laws made in Matters of Religion, and that with a great Gentleness. That of the Eleven Passages quoted by the Prisoner out of the Homilies, Five plainly relate only to the Coercing the Person of the Prince, in which David is set in opposition to those Rebels now, tho' he indeed defended himself, yet he had a just and sacred Tenderness to the Person of Saul, when he had him in his Power, which is certainly Sacred by our Constitution. Five of them relate to Wicked Princes. That it was never pretended by any who pleaded for necessary Defence, that the bad Life of a Prince can be a just Cause of Resistance: yet that was then pretended; for King Henry VIII. had given too much occasion to reckon him a wicked Prince. So there was only one of all the Passages quoted from those Homilies, that relates simply to Rebellion in General: And it had appeared what Bishop Jewell's Sense of the Matter was. That there was also a Prayer at the End of every Division of the Homily against Wilful Rebellion, (and by the by Wilful was not put in the Title for nothing) for those oppressed by Tyranny in other Parts, that they might be relieved, and that those who were in fear of their Cruelty might be comforted.

Let us next look, said he, through Queen Elizabeth's Long and glorious Reign, and see what was the constant Maxim of that Time.

The Year after the Queen came to the Crown, the War in Scotland broke out between the Queen Regent that govern'd by Commission, from her Daughter then Queen of France, and the Lords in Scotland. She, to obtain the Matrimonial Crown to be sent to Francis the IId. gave Assurances for the Exercise of the reformed Religion; but that Point being gain'd she broke all her Promises, and resolved to force them to return to the Exercises of the Popish Religion: Upon which the Lords of Scotland formed themselves into a Body, and were called the Lords of the Congregation. Forces were sent from France to assist the Queen Regent; upon that Queen Elizabeth entered into an Agreement with the Scottish Lords, and sent an Army to their Assistance, which continued in Scotland till all Matters were settled by the Pacification of Leith: And in a Manifesto, that I have in my Hands, set forth 25 Years after that, I find her reflecting on that Interposition in the Affairs of that Nation with great Satisfaction.

That the Year after this War was ended, upon Francis the IId's Death, Charles the IXth, who was a Child, succeeded in France. Edicts were granted in favour of the Protestants: These were soon after broken by the Triumvirate,

and upon that followed a Series of Wars often pacified, but always breaking out again, by reason of the Violence and Cruelty of Government. All these Wars, till Henry the IVth was settled on the Throne, were in a Course of 28 Years, that which some would call Rebellion, being carried against two succeeding Kings. Yet the Queen was in all that time still assisting them with Men and Money.

That in the Year 1658. the Provinces in the Netherlands threw off the Spanish Yoke, that was become intolerably severe and cruel. The Queen for some Years assisted them more covertly but when the Prince of Orange was kill'd, and they were in danger to be over-run, she took them more openly into her Protection; and by the Manifesto (which the Bishop of Sarum had in his Hands) She published the Grounds upon which she proceeded. She laid down this for a Foundation, That there had been an Ancient League not only between the Crown of England, and the Princes of the Netherlands, but between the Subjects of both Countries, under their Seals interchangeably, for all Friendly Offices. From hence his Lordship urg'd, that if this was a good Reason for the Queen's giving Aid to the Oppressed people of the Netherlands, then if the

the Case had been reversed, that the people of *England* had been illegally and cruelly oppressed, it furnished the Princes of those provinces with as good a Reason for assisting them. That in this Assistance given the States, the Queen persisted till the End of her Reign; nor was this only done by the Court, but both Parliament and Convocations granted her several Aids to maintain these Wars: And in the Preambles of those Subsidy Acts, the Queen's Proceedings in those Particulars were highly approved and magnified. *Bilson* Bishop of *Winchester*, and several other Writers in that Time, justified what she did: and not one censured or condemned it.

That upon King *James's* coming to the Crown, the first great Negotiation was for a Peace between *Spain* and the *United Provinces*; which lasted several Years. The States insisted on a Preliminary, that they should be acknowledged free, sovereign, and independent States; the *Spaniards* would not yield to this, nor would the States recede from it. Some here in *England* began to say, they were formed in *Rebellion*, and ought not to carry their Pretensions too far: Upon that, King *James* suffered a Convocation to meet; and a Book of Canons, with Relation to the supreme Authority, was prepared; in which, tho' the Authority of

the Prince, even when he becomes a Tyrant, is carried very far; yet the Case of the *Maccabees* is stated; and it was determined, That when a new Government, tho' begun in a Revolt, is come to a thorough Settlement, it may be owned as lawful. That King *James*, who was jealous enough of the Regal Authority, yet did not like their carrying these Matters so far: He ordered the whole Matter to be let fall so entirely, that there is not a Word of it in the Books of Convocation: But Archbishop *San-croft* found this Collection of Canons at *Durham*, under Dr. *Over-all's* Hand, which he copied out, and licensed the Book a few Days before he fell under his Suspension. That he (the Bishop of *Sarum*) soon saw that it had a Relation to the Affairs in *Holland*: For the *Dutch* delighted to compare their first Beginnings to that of the *Jews* in *Antiochus's* Time: They compared King *Philip* to *Antiochus Epiphanes*, and the Prince of *Orange* to *Judas Maccabeus*. But, added he, I saw much clearer into the Matter by an original Letter of King *James*, which a worthy Gentleman sent me. I knew his Hand well, the Letter is in Print; but I will read some Particulars out of it; It is directed to Dr. *Abbot*, afterwards Archbishop of *Canterbury*. It begun with censuring some Positions concerning a King in Possession, the same with our
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modern Term of a King *de facto*:
 He goes on in these Words, ' My
 ' Reason of calling you together,
 ' was to give your Judgments, how
 ' far a Christian and a Protestant
 ' King, may concur to assist his
 ' Neighbours to shake off their
 ' Obedience to their own Sovereign,
 ' upon the account of Oppression,
 ' Tyranny, or what else you like to name it. In the late
 ' Queen's Time, this Kingdom was
 ' very free in assisting the *Hollanders*
 ' both with Arms and Advice;
 ' and none of your Coat ever told
 ' me, that any scrupled about it in
 ' her Reign. Upon my coming to
 ' *England*, you may know, that it
 ' came from some of yourselves to
 ' raise Scruples about this Matter;
 ' yet I never took any Notice of
 ' these Scruples, till the Affairs of
 ' *Spain* and *Holland* forced me to
 ' it. I called my Clergy together,
 ' to satisfy not so much me, as the
 ' World about us, of the Justness
 ' of my owning the *Hollanders* at
 ' this time. This I needed not to
 ' have done, and you have forced
 ' me to say, I wish I had not.' He
 ' reflects on those, who had a great
 ' Aversion to the Notion of God's
 ' being the Author of Sin, which
 ' plainly points at Dr. *Overall*, who
 ' was the first Man of Note among
 ' us, that opposed the *Calvinist's*
 ' Doctrine of Predestination; yet he
 ' says, ' They had gone to the Thre-
 ' shold of it, by saying, That even
 ' Tyranny was God's Authority,

and should be revered as such.
 He concludes, These were edged
 Tools, and that therefore they
 were to let them rest.' Here is
 a full Account of King *James's*
 Thoughts of this Matter, which
 was then the chief Subject of Dis-
 course all *Europe* over. He had
 twelve Years before this, shewed
 on an eminent Occasion that he
 owned the States, when he invited
 them in the Year 1593, to christen
 his eldest Son, Prince *Henry*. They
 were sensible of the great Honour
 done them by it; and tho' they
 were then but low, they sent an
 Embassy, with a noble Present of
 Gold Plate, to assist on that Occa-
 sion. This Negotiation stuck for
 several Years, the *Spaniards* refu-
 sing to own them in express Words:
 The Temper found was, they were
 treated with (*tanquam*) as with
 Free States; and the Matter went
 no farther at that Time, than a
 Truce for some Years, which was
 concluded in the Year 1609. This
 lets us see, That the Words in King
James's Speech that Year to his
 Parliament, were not chance Words
 that fell carelessly from him, ' A
 ' King leaves to be a King, and
 ' degenerates into a Tyrant, as
 ' soon as he leaves off to govern by
 ' Law: In which Case the King's
 ' Conscience may speak to him, as
 ' the poor Woman to *Philip* of
 ' *Macedon*, Either govern by Law,
 ' or cease to be a King.

That

That there is another eminent Instance towards the End of that Reign, that shews what the Sense of our best Divines was in this Matter; When the Archbishop of York's Son and Mr. *Wadsworth* had changed their Religion in *Spain*, *Wadsworth* writ over a bold Defence of that; and among other Things, charged the Reformation with Rebellion. This was answered by one of the best Books of that Time, writ by Dr. *Bedell*, dedicated to the Prince of *Wales*, who afterwards promoted him to a Bishoprick. His Words on this Head are full: 'Do you think (says he) Subjects are bound to give their Throats to be cut by their Fellow Subjects, or to their Prince, at their mere Wills, against their own Laws and Edicts? You would know *quo jure* the Protestants Wars in *France* and *Holland*, are justified, first, The Law of Nature, which not only alloweth, but inclineth and inforceth every Thing living to defend itself from Violence. Secondly, That of Nations, which permitteth those who are in the Protection of others, to whom they owe no more than an honourable Acknowledgment, in Case they go about to make themselves absolute Sovereigns, and to usurp their Liberty, to resist and stand for the same. And if a lawful Prince, who is not yet Lord of his Subjects Lives and

Goods, shall attempt to despoil them of the same, under Colour of reducing them to his own Religion, after all humble Remonstrances, they may stand upon their own Guard, and being assailed, resist Force with Force, as did the *Maccabees* under *Antiochus*. In which Case notwithstanding, the Person of the Prince himself ought always to be sacred and inviolable, as was *Saul* to *David*? Which Words wanted no Commentary, and so their Lordships saw how this Matter stood during King *James's* Reign. That in the first Year of King *Charles's* Reign, *Grotius's* Book *de Jure Belli & Pacis*, was published at *Paris*, dedicated to the King of *France*, while *France* was under the Administration of the wisest and most jealous Minister of the last Age, Cardinal *Richlieu*. That in that Book, in which he asserts the Rights of Princes with great Zeal, yet he enumerates many Cases, in which it is lawful to resist, particularly that of a total Subversion: And that Book is now all *Europe* over, in the highest Reputation of any Book that the modern Age have produced. That in the Beginning of King *Charles's* Reign, a War broke out in *France*, against the Protestants; upon which he sent over Ambassadors, by whose Mediation a Peace was concluded; but that being ill kept, the War broke out again; and the King thought

thought himself bound by his Mediation to protect the Protestants. So in the second Session of the Parliament 1628. In the Demand of a Supply that the Lord Keeper *Coventry* made in the King's Name, these Words are to be found, 'France is swayed by the Popish Faction; and tho' by his Majesty's Mediation, there were Articles of Agreement between that King and his Subjects, that Treaty hath been broke, and those of the Reformed Religion will be ruined, without present Help.' Upon this the Commons petitioned the King for a Fast, and desired the Concurrence of the Lords, who joined with them in it. The King granted it, and an Office was composed suitable to the Occasion; in which, among other Devotions, the Nation was directed to pray for all those, *who here, or elsewhere, were fighting God's Battles, and defending his Altars.* Thus the whole Body of the Legislature did concur for a Fast for that, which if this Doctrine is true, was no better than Rebellion; and yet the whole Nation, Clergy and Laity were required to pray for Success in it.

That to compleat this View of the Doctrine of our Church, it is to be considered, That when a Year before this, while the Loan or Benevolence were carried on, some officious Divines made use of those Expressions of *Kings having*

their Power from God, as importing an Authority of a Nature superior to the Laws of the Land. One of these, Dr. *Manwaring*, was impeached, and had a severe Sentence passed on him for it. So that he had now made it out, beyond the Possibility of Contradiction, that for 70 Years together, from 1158, to 1628, the Lawfulness of Self-defence in the Case of illegal and violent Cruelty, was the publick and constant Doctrine of this Church.

Adding, that as these were the best and happiest Times of our Church, as is often repeated by the Earl of *Clarendon*: From these we ought to take the Standard of our Doctrine.

I go next, continued he, to shew what was the common Doctrine for the next 60 Years, from 1628, to 1688. I must yield up the first twelve Years: For upon the unhappy Misunderstanding between the King and that Parliament, there was a long Discontinuance of Parliaments, then the lately condemned Doctrine was again in Vogue; and nothing was so much heard of, as the Law of Government that was from God, antecedent to all human Laws: Out of this sprung illegal Imprisonments, illegal Monopolies, severe Proceedings in the Star-Chamber, but above all, the *Ship-money*. These Things put the Nation in an universal disjointing and Feebleness.

And

And when an unavoidable necessity forced that King to call a Parliament, the fatal Effects of those Counsels broke out terribly. I know many fancy, that the War is to be charged on the Principles of Self-defence: They are much mistaken. I had occasion to see a great Way into the Secret of that time, when I examin'd the Papers relating to the two Dukes of *Hamilton*. I knew a great deal more since from two Persons of unquestionable Integrity, who knew the Secrets of that time, the Lord *Hollis*, and Sir *Harbottle Grimstone*; but all receiv'd a full Confirmation, when I found it agreed perfectly with the noble Account given by the Earl of *Clarendon*.

No Body dreamt of a War, nor had they any Principles leading to it. But there was an unhappy Train of Accidents that hindred Matters from being brought to a Settlement, even while the King was granting all they could desire. Stories were carried by Persons about both the King and Queen, of words let fall, that made them conclude, there were still ill Designs on foot, against the Laws that were then passed. But that which brought all to a Crisis, was the Discovery of a Negociation, to engage the Army to declare against the Parliament. Whosoever compares the Depositions in *Rushworth*, with the Account given of that Matter by the Earl of *Clarendon*, will see there

is a great deal more in the one, than the other is willing to believe; tho' he acknowledges they had both *Goring's* Evidence, and *Piercy's* Letter with them. I will not take it upon me to determine, whether they believ'd too much, or the Earl of *Clarendon* too little. It is certain, they believ'd all that was in the Depositions, and a great deal more: For *Goring* continued in the Government of *Portsmouth*, and his Father being advanced from being a Baron to be an Earl, and *Piercy's* being made a Lord, and Master of the Horse to the P. of *Wales*, made them conclude they had suppressed a great deal, instead of saying more than was true. This stuck deep in their Hearts, and at last fatally broke out in the Demand of the *Militia*, that brought on the War, which I do own was plainly a *Rebellion*, because a Force was offer'd to the King, not to defend themselves from an unjust Invasion, or illegal Grievances, but to extort a new Law from him. Thus the true occasion of the War, was a Jealousie, that a Conduct of 15 Years had given too much ground for; and that was still unhappily kept up, by a fatal Train of Errors in every step that was made. The great Concussion that the War gave the Nation, and the barbarous Effusion of so much Blood, especially of the Royal Blood of that Blessed KING, had at last a happy, tho' a late Conclusion in the

Restoration And it's no wonder, if such a Series of Tragical Events, begot a general Horror at the Occasion of them. But then it was, that had it not been for the Firmness of the Earl of *Clarendon* to his *English* Principles, the Liberties of the Nation had been deliver'd up.

It is to his Memory, that we owe our being a free People; for he with his two great Friends, the Duke of *Ormond*, and the Earl of *Southampton*, check'd the Forwardness of some who were desirous to load the Crown with Prerogative and Revenue. He stopt all this, which being afterwards odiously represented, brought on him that great and lasting, but honourable Disgrace. The Earl of *Southampton*, whose Death went a little before his Fall, and perhaps hastned it the sooner, said to many about him, that he was a true Protestant, and an honest *Englishman*; and that the Nation would feel the Effects of his being removed, whensoever it might happen.

That Lord, in the great Settlement after the Restoration, would carry things no further, than to repeal what had been extorted by the Tumults; and in the Matter of the *Militia-Act*, and the Oaths relating to it, all was more cautiously worded, than is commonly understood. To the Word *Commission'd* by the King, some indeed moved,

that the word *Lawfully* might be added, to make all plain. This was press'd in the House of Commons by *Vaughan*, afterward Lord Chief Justice of the Common-Pleas. The Attorney General, afterwards Lord Chancellor *Nottingham*, answer'd, That was *not necessary*; for the word *Commission*, import'd it; since, if it was not Lawfully issued out, to Lawful Persons, and for a Lawful Reason, it was no *Commission*; and the whole House assented to this; yet in the House of Lords, the same word *Lawfully* was press'd to be added by the Earl of *Southampton*, who was answer'd by the Earl of *Anglesey* to the same purpose, with what had been said in the House of Commons. He indeed insisted to have the word added, because it would clear all Difficulties with many, who not having heard of the Sense given in both Houses, might fancy, that any sort of *Commission* being granted, it would not be Lawful to resist it. He did not prevail; for it was said, That this Explanation being the Sense of both Houses, it would be soon spread and known over the Nation. In this Sense, it is certain, that it is not Lawful to take Arms against any so Commission'd by the King; for that were to take Arms against the King's Commission in the Execution of the Law, which is certainly a resisting the Ordinance of God, *which whosoever do, they shall receive*

to themselves Damnation.

It was no wonder, if after such a War, the Doctrine of Non-Resistance was preach'd and press'd with more than ordinary Warmth, and without any Exceptions; yet some still kept these in view; so did both Dr. Falkner and myself; and I know many others had them always in their Thoughts, tho' they did not think it necessary to mention them.

I found, continued he, the ill effects, that the carrying this Matter so far, had on the Mind of that unfortunate Prince, King James; for in the Year 1673, when he was pleas'd to admit me to such free Conversation with him, among many other Things, I told him, it was impossible for him to Reign in quiet in this Nation; being of that Religion; he answer'd me quick, Does not the Church of England maintain the Doctrine of Non-Resistance and Passive Obedience? I begg'd of him not to depend on that; for there was a Distinction in that Matter, that would be found out when Men thought they needed it. I now come to tell your Lordships, how right I judged.

It is true, they pass'd a very pompous Decree at Oxford, 1683. but you shall hear how long they stood to it. In Summer, 1686, the Prince of Orange was pleas'd to receive me into his Service with a particular Confidence. Soon after the Ecclesiastical Commission was set up, and upon

some Proceedings before that Board, he was desir'd from England to break with King James upon that Head. I opposed this, and said, I was convinced, that Commission was against Law, and would have ill effects, but it did not strike at the whole. This was more warmly pressed upon the Proceedings against Magdalene College. I still stood to my ground; and told both Prince and Princess, That if a Breach should follow on these Matters, I could not serve. When indeed the Declaration was publish'd a second time, with a Resolution to have it carried through; and that many Laws were dispensed with at pleasure; and Persons who were under legal Disabilities, were made Judges, Sheriffs and Magistrates; all whose Actings were so many Nullities: Then I thought here was a total Subversion of our Constitution; which from being a Legal one, was made precarious, subject to mere Will and Pleasure. So I was ready to serve in the Revolution.

Some Days after we came to Exeter, Sir Edward Seymour came thither, and he presently sent for me: When I came to him, he asked me, Why were we a Rope of Sand, and had not an Association? I said, Because we had not yet a Man of his Weight to begin the Motion: He said, If we had not one by to Morrow, he would leave us before Night. I presently saw a Noble Duke now in my Eye, and acquainted him with this;

his; He went to the Prince, who approving of it, an Association was prepar'd, and laid on the Table next Morning; and was after that Signed by all who came to wait on the Prince. Three Days after we left Exeter, a Head of a College came to the Prince, to invite him to come to Oxford, assuring him, that the University would declare for him. He went as near it as Abingdon, but then the sudden Turn of Affairs at London obliging him to hasten up, the Association was sent thither, and was Signed by the Heads of the Colleges, and many others there; some doing it in a particular Warmth of Expression, and saying, That their Hearts as well as their Hands went with it. Upon what Disappointments or other Views, I cannot tell, this Contradiction to their famed Decree, five Years after it was made, seem'd to take another Turn back to it again; and the Notion of a King de Facto, which is but a softer Word for an Usurper came in Vogue.

The Parliament, to prevent the ill Effects of that, studied to secure the Government, First, by an Association, and then by an Abjuration. I, who was always against every thing that might break in upon Conscience, was for making these only voluntary; but they were Enacted, and they were generally taken. A Noble Lord on the Earls Bench, procur'd me the Sight of a Letter, that went about to persuade the taking the Abjuration,

that he had from a Place where he believed it had its Effect; where I found this Distinction, That the Abjuring any Right whatsoever that the Pretender might claim, was only meant of a Legal Right, and that it had no Relation to Birth-Right, or to Divine-Right. This agreed, with a Report that went then current, That a Person, in a great Post, sent a Message to an Honourable Gentleman, who would not take the Abjuration, that if he had an hours discourse with him, he doubted not to be able to convince him, that he might take the Abjuration, without departing from any of his Principles. Towards the End of the last Reign, a bold Attempt was made on the King's Supremacy, by an Incendiary, who is supposed to have no small Share in this Matter now before your Lordships: But the Attack on the Supremacy being liable to a Premunire, it was turn'd with much Malice, and manag'd with great Prevarication against the Bishops, who adhered firmly to their Duty to the King. How great a Disjointing that has brought on this Church, is too visible all the Nation over, and it tends to carry on the wicked design of distracting the Church, and undermining the Government.

By the time the Queen was on the Throne, or soon after the Rehearsal began to spread over the Nation, two of them a Week, which continu'd for several Years together, to be Publish'd without

without Check or Controul; it was all thro' one Argument against the Queen's Right to the Crown; that, tho' it was diversified with Incidents and Digressions, was kept always in View. The Clergy were in many Places drawn into Subscriptions for this Paper. This look'd like a Design long conniv'd at, to have the Queen's Title undermin'd: Besides this, we had a Swarm of Pamphlets every Year to the same Purpose, and, as was believed, writ by the same Hand. One sold at the Door of the House, with the Title of King William's Exorbitant Grants, did plainly call him an Usurper; and starting an Objection against the Queen's possessing the Throne, gave it this Answer, That she did well to keep it till she could deliver it up to the Righteous Heir. At that time there was a quick Prosecution of a Paper publish'd, with the Title of The Shortest Way with the Dissenters; and upon that, I brought that Pamphlet to a great Minister, and offer'd to shew him this Passage in it, to see if there should be a Prosecution of this order'd. He turned from me; so whether he heard me or not, I cannot tell: I am sure, if he says he did not, I will believe him. No Prosecution follow'd, and the Rehearsal went on. The Clergy in many Places, met at a Coffee-house on Saturdays, to read the Rehearsals of the Week, which had very ill Effects in most Places. I know it may be said, That the Queen's learned Council ought to

have look'd after these things: But we all know, that they stay till they receive Orders from the Ministry. The Course of that treasonable Paper has been now for some time stopt, so we see there is some Change in the Ministry. - - -

But to compleat the Insolence of the Enemies of the Queen and of the Protestant Succession; they had the Impudence to give it out, that the Queen secretly favour'd them: And as this, we all know, has been long whisper'd about among us, so it was more boldly given out in Scotland, which oblig'd one of the Queen's Ministers in that Parliament, in a Speech that was printed, to contradict this treasonable and dishonourable Suggestion, that as some Divines would have it, that there was in God a Secret, as well as a reveal'd Will, and that they might be contrary to one another; so they would fasten an Imputation on the Queen, that while she reveal'd her Will one Way, she had a secret Will another way; which he solemnly affirmed to be false, and highly injurious to the Queen.

While the Pamphlets and these Reports were thus set about, Mr. Hoadly thought that it became him to assert the Queen's Title, by justifying the Revolution, out of which it rises. But what an Outcry was rais'd on this, that one durst disturb the Progress of a wicked Opinion, that was visibly designed to overturn the Government: And yet he asserted nothing, but what the Council for the

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Prisoner did all fully and plainly own, that in the Cases of extream Necessity, an Exception to the Doctrine was to be admitted, and that that was the Case at the Revolution.

But as these Notions have been long let run among us; so they have appeared in a most violent and unguarded Manner, ever since the Attempt of the Pretender, and more of late, since the Preliminaries upon the Overtures for a Peace, seems to extinguish their Hopes. What Sermons on this Head are preach'd in this City, at Assizes, at Bath, and at many Cathedrals. Furious Men fit themselves with some hot Sermons, which they carry about from place to place, to poison the Nation. This has not only the visible Effect designed by it, of shaking many in their Allegiance to the Queen, and in their adhering to the Protestant Succession; but it has a cursed Effect on many others, on whom this their Design does not succeed.

I am very sensible there is a great deal of Impiety and Infidelity now spread thro' the Nation: This gives every good Mind all possible Horror; but I must tell your Lordships, on which a great Part of it is founded; for since my Conversation with Wilmot, Earl of Rochester, I have had many Occasions to discourse with Persons tainted with those wicked Principles, and I do affirm it, that the greatest Prejudice these Persons have at Religion, at the Clergy, and at the Publick Worship of God, is

this, that they say, they see Clergymen take Oaths, and use all Prayers, both Ordinary and Extraordinary for the Government, and yet in their Actions and Discourses, and of late in their Sermons, they shew visibly that they look another way; from whence they conclude, they are a Mercenary Sort of People without Conscience.

I hope there are not many that are so corrupted and so scandalous: I am sure I know a great many that are far otherwise, who Preach, Speak, and Act as they swear and pray; but those who act in another way, are Noisy and Impudent, and so bring an Imputation on the whole Body; and unless an effectual Stop is put to this Distemper, it is not possible to foresee all the ill Consequences that may follow upon it.

I have, (said he in the Conclusion,) I am afraid, wearied your Lordships; but I thought it was necessary, once for all, to enlarge copiously on this Argument: And now to come close to the Article, and the Sermon, for I meddle not at all with the Person of the Man; whatever general Expressions might very well have been used, in setting forth Passive Obedience and Non-Resistance before the Revolution, because odious Cases ought not to be supposed, and therefore are not to be named; yet since Resistance was used in the Revolution, and that the late King invited all the Subjects to join with him, which was in them certainly Resistance;

Resistance; and since the Lawfulness of the Revolution is so much controverted, the condemning all Resistance in such crude and general Terms, is certainly a condemning the Revolution: And this is further aggravated from those Limitations on our Obedience, in an Act past soon after the Revolution, by which, in Case our Princes turn Papists, or marry Papists, the Subjects are in express Words, discharg'd from their Allegiance to them. Certainly this puts an End to the Notion of Non-Resistance in any Case, or on any Pretence whatsoever: For these Reasons, I think the first Article of this Impeachment, is both well grounded, and fully made out.

The Lord Bishop of Oxford's Speech.

THAT some of that Bench were necessarily call'd up by words which fell from the noble Lord who spake third in this Debate, who was pleas'd to mention among other strange Things, *Bishops Voting contrary to their Doctrines.* That the Opinions of several of the Reverend Prelates had been read before their Lordships in *Westminster Hall*: They were first quoted by the Council for the Defendant, and by their Order read in such a partial and unfair manner, that if he might be allow'd to use any other Author after the same

way, to take a naked Proposition out of his Book, and not consider the Coherence or Dependence of the Words how it may be explain'd or limited in other Places, to read just so far as may serve his Purpose, and stop when any thing follows that may set the Matter in a just Light, he durst undertake to make any Author speak on which-ever side of the Question he pleas'd.

But the Managers for the Honourable House of Commons did Justice to those Reverend Prelates by obliging the Clerk to read other Passages in their Books, which clearly explain'd their Opinions; and so the only Purpose that was eventually serv'd by producing those Quotations, was that which he fear'd was not intended, the vindicating those Reverend Prelates from the uncharitable Imputation of having asserted a Doctrine in their Writings which they had contradicted by their Practices, in relation to the Revolution and the Government founded upon it.

That he hop'd to be able to reconcile the Vote which he should give, with the Opinion which he had always been of, and which having not been produced below, he stood up to give it their Lordships here, being far from censuring, far from entertaining the least disrespectful Thought of any that should differ in Opinion from him.

He own'd the Subject now in debate, was a matter of great Consequence, and of great Nicety and Tenderness;

derness; and that he, who should presume to entertain their Lordships upon it, ought to be better qualified, and better prepar'd than he was in other Respects, but he would give place to none in those that follow'd, viz. in delivering himself with that Respect and Deference which is due to that House, that humble Diffidence which becomes a just Consciousness of his own Weakness, and that Plainness and Sincerity which becomes that Character, which however unworthy of it, he had the Honour to bear; and then he was sure he might depend upon their Lordships known Candor, Honour, and Justice, that if any thing should fall from him less correct, or less guarded than it ought to be, it should receive the most favourable Construction that it was capable of. That before he deliver'd his Opinion, he begg'd leave briefly to state the Question, and in order to that to lay down two Premises.

1. That Government in general, was in its original Institution, design'd for the Good of the whole Body; Men were not form'd into Societies, only to be the Subjects of the arbitrary Wills, the slavish Instruments in the gratifying the Ambitious or other corrupt Designs, of any one or more Men; but for the Safety and Prosperity of the whole Community.

2. That in the Holy Scriptures (as far as he could find) there is no Specification of any one particular Form of Government to which all Nations and Bodies of Men, in all Times and

Places ought to be subject; nor are there such exact Accounts of the extent of the Power of the Governour or Obedience and Submission of the Governed, as can reach to all Cases that may possibly happen.

Then he urg'd, that there are many general Precepts requiring the Obedience and Submission of Subjects to their Governors: Let every Soul be subject to the Higher Powers; you must needs be subject not only for Wrath, but also for Conscience-sake; He that resists, resists the Ordinance of God; And submit yourselves to every human Constitution for the Lord's sake, &c.

But yet these Scriptures do not tell us how far we must obey and be Subject, nor do they necessarily imply that there can never be any Cases wherein we may not obey and not be Subject, but resist; because there are other Places in Scripture, where other Duties are requir'd in Terms as large and general as these, nay in universal Terms, which yet must admit of Exceptions. That some of the most zealous Contenders for the Absolute Power of the Prince, and unconditional Submission of the Subject, found themselves very much upon the fifth Commandment, Honour thy Father and Mother, which they expound as comprehending Political as well as natural Parents, and he did not gain-say it: But then pray, my Lords, continued he, let us see what Terms the Duty of Children to their natural Parents is required in Scripture:

ture : Children, says the Apostle, obey your Parents in all Things ; this Expression is surely universal enough ; and from hence according to some Mens reasoning, it must follow, if Children must obey their Parents in all Things, then they may resist in none. But will any Body say, that notwithstanding the Universality of this Precept, there may not be some Exceptions and Limitations understood, both as to the Active and Passive Part of the Child's Obedience ? As to the Active, no one will deny, but the Command must be restrain'd to Licita & Honesta ; they are not to obey in all Things absolutely, but in all Things that are Lawful and Honest. And as to the Passive Part of the Child's Obedience, the Submission or Non-Resistance requir'd, permit me to put a Case. Suppose a Parent in a Phrenzy, in a fit of Drunkenness or Passion, draws his Sword, and attempts to kill his innocent Son, and the Son has no way to escape from him ; is he oblig'd by this Duty of not Resisting, to stand still and let his Father sheath his Sword in his Bowels ? May he not, tho' he must still have a Care of his Father's Life, defend his own ? May he not put by the Pass, grapple with his Father, and disarm him if he can ? My Lords, surely he may ; that prime Law of Nature, of Self-Preservation, will justify him in it : And then why may not the same Law of Self-Preservation justify the Political Child, the Body of the People, in de-

sending their Political Life, i. e. their Constitution, against plain and avow'd Attempts of the Political Parents utterly to destroy it ? And it is upon this Point only that I shall state the Question.

He did allow, that in all Governments whatsoever there is an absolute Power lodg'd somewhere. With us, as he humbly conceived, that Power is lodg'd in the Legislature ; for which he had the Authority of a great Politician and Statesman, Sir Thomas Smith, who was Secretary of State to two Princes, K. Edw. VI. & Eliz. who in his Book, De Republica Angl. a Book seen and allow'd as is said in the Title Page, in that Chapter where he treats of our Parliaments and the Authority thereof, lays down this Assertion, The most high and absolute Power of the Realm of England consisteth in the Parliament ; and giving particular Instances of that Power, among others mention this, That the Parliament gives Forms of Succession to the Crown. He insisted, that the Executive Power with us is lodg'd with the Prince ; and he did readily allow that the Prince so vested with the Executive Power, and all others lawfully commission'd by him, acting according to their Commission, and within those Laws, with the Execution whereof he and they are respectively trusted, are Irresistible : The Person of the Prince is always inviolable : no personal Faults in him ; no Injuries to particular Persons,

Persons, where they can have no Redress by Law, as in several Cases they may have; no general Male-Administration, whereby the Publick may be greatly hurt, can justify any forcible Resistance of his Subjects; nor any Thing less than a total Subversion of the Constitution. But if in a legal Monarchy, where such Laws have been enacted by common Consent of Prince and People, as are to be the Measures of his Government as well as of their Obedience, that limit his Power as well as secure their Rights and Properties, the Prince shall change this Form of Government into an absolute Tyranny, set aside those Laws, and set up an Arbitrary Will in the room of them; when the Case is plain, and when all Applications and Attempts of other Kinds prove unsuccessful; if then the Nobles and Commons join together in Defence of their Ancient Constitution, Government and Laws, he could not call them **R E B E L S**. And desired their Lordships to allow him to lay before them a few Things in Maintenance of what he had advanced. And he would humbly offer some Facts, which he allow'd did not directly prove what he had said to be true, but they did prove it to have been the Opinion of our Princes, Parliaments, Clergy, and People in the Reigns of those three great Princes, 2. Eliz. King James and King Charles I. He meant the Assistances which those Princes gave to the Subjects of other Countries that were re-

sisting their respective Princes; and to enable them to do so, they had Subsidies given them in Parliament and Convocation, — and there were Prayers composed and used for the Success of their Arms.

That surely, if those Princes, Parliaments, Clergy, and People, had been of Opinion, that the Resistance of Subjects against their Princes, was in no Case lawful, but always damnable Rebellion; they would never by aiding and assisting such Rebels have involved themselves in the Guilt, and exposed themselves to the dangerous Consequences of such a Sin. That he mention'd not the particular Stories, because they were better known to their Lordships than to him, and because he doubted not but in the Course of this Debate, some Lord or other would give a large Account of them; but he could not forbear observing one Thing relating to that Assistance, which that pious Prince, and now glorious Saint in Heaven, King Charles I. gave to the Rochellers, who were surely the Subjects of the King of France; he order'd a Fast by Proclamation, and appointed a Form of Prayer to be drawn up for Imploring of God's Blessing. That it was highly probable that Bishop Laud had the great Hand in composing those Prayers, he being then Bishop of London, and in great Favour, and the Archbishop of Canterbury, Abbot, at that time in Disgrace. But whoever composed them, he begg'd leave to read part of one of the Col-
lects

lects in that Office. O Lord God of Hosts, that givest Victory in the Day of Battle, and Deliverance in the Time of Trouble, we beseech thee to strengthen the Hands, and encourage the Hearts of thy Servants in fighting thy Battles and defending thy Altars that are among us, and in all the reformed Churches. That it seems the reformed Churches were thought to have God's Altars among them then, however they have been vilify'd since. But that which he would observe from this Passage was this, that neither that excellent King who commanded those Prayers to be composed, nor the Bishops who compos'd them, nor the Clergy and People who us'd and join'd in them, could in so solemn a manner have recommended those Forces to the Divine Protection and Favour, and as such as were fighting God's Battles, if they had thought they were fighting against God in his Vicegerent, and as defending his Altars if they believed they were resisting his Ordinance.

2. That he could produce several Authorities in support of what he had laid down, but he should mention but one, out of a Book written professedly on this Subject, in Q. Elizabeth's Time; that every one that is acquainted with the History of her Reign knows what Attempts were made by the Pope and his Party against her Government and Life, by excommunicating, deposing her, absolving her Subjects from their Allegiance, by

raising Tumults and Insurrections, by Dagger, Poison, and what not: And 'tis certain, that they were these wicked Practices of the Pope and his Followers, and the Doctrines by which they justify'd them, that the Compilers of the Homilies which were then made, and other Authors who then wrote about the Power of the Prince and the Duty of the Subject, had principally in their View: That the Book he meant, is intituled, The true Differences between Christian Subjection and Unchristian Rebellion, written by way of Dialogue between a Christian, whom the Author calls Theophilus, and a Jesuit whom he calls Philander. That Theophilus the Christian says, I busy not myself in other Mens Commonwealths as you (the Jesuits) do, neither will I rashly pronounce all that resist, to be Rebels: Cases may fall out even in Christian Kingdoms, where the People may plead their Right against their Prince, and not be charged with Rebellion. Philander the Jesuit asks, as when for example? Theophilus the Christian replies thus: If a Prince should go about to subject his Kingdom to a Foreign Realm, or change the Form of the Commonwealth from Impery to Tyranny, or neglect the Laws establish'd by common consent of Prince and People, to execute his own Pleasure; in these and other Cases, which might be named, if the Nobles and Commons join together to defend their ancient and accustom'd

Liberty, Regiment and Laws, they may not well be accounted Rebels. *That this Book is said, in the Title Page, to have been perused and allowed by publick Authority; was written by a great Man, Dr. Billon then Warden of Winchester College; printed at Oxford by the University Printer, and dedicated to Q. Elizabeth; and the Author was afterwards made Bishop of Winchester. That he could offer many other Authorities not from false Sons or perfidious Prelates of the Church, not from Men of Factious and Antinarchical principles in relation to the State, but venerable Names, Ornaments to the Ages they liv'd in, and such as will be remembred with Honour in succeeding ones: But he was superseded in producing, and their Lordships trouble saved in hearing more particular Quotations to this purpose, by what was yielded by a Reverend Divine of great parts and learning, far enough from the Suspicion of being prejudic'd against the Rights of princes, or partial to those of the people, he meant the Reverend Dean of Carlisle, who in a Latin Discourse preach'd and printed in this Town upon the Duty of Submission, stating some Cases of extreme Necessity, and putting the Question, Whether it may not be lawful for the People in such Cases to resist? answers, Viri boni & graves, &c. That good and judicious Men, Men that have taken great and useful pains in defending the Rights of Princes, and*

repressing popular License, have contended that it is lawful: He adds indeed, whether they have done Right or Wrong, let others judge, and does not give his own Opinion. But since he had granted, that such Men as he had described, Men of Probity and Judgment, zealous Assertors of the Rights of Princes, and Repressors of popular License, have contended that in Cases of extreme Necessity, it is lawful for the people to defend themselves; he might comfort himself, if he err'd in his Opinion, that he err'd in good Company. But he humbly conceived he did not err, and that, 3. For this plain Reason, that if it be utterly unlawful to resist in any Case whatsoever, even that of a total Subversion of the Constitution and Laws; then there is no distinction of Governments, of absolute, he meant, and limited; or if there be a distinction, it is a nominal one without any real difference; for what difference is there between a Prince's governing arbitrarily without Law, and governing arbitrarily against Law? Betwixt having no Laws at all, and having precarious Laws that depend intirely on the Will of the Prince, whether he will observe one of them or subvert them all, and if he does, the People cannot help themselves? But he hoped and believed that there is a real distinction of Governments, and that the Subjects of all Governments are not in the same wretched Condition that those of France and Turkey are

are in. What wise or good Prince, (added he) would not rather chuse to reign over free Subjects, than tyrannize over Slaves? To receive a willing cheerful Obedience proceeding from the Principles of Gratitude, Love, and Interest as well as of Duty, rather than a forced one, owing meerly to a Principle of Fear, the Principle from whence the *Indians* worship the Evil Spirits? My Lords, such a Frame of Government your Lordships have received from your Ancestors; and I hope and trust, that in grateful Respect to their Memory, and in tender Regard to your Posterity, I say nothing of ourselves, my Lords; for as for us who have the Happiness to live under the Government of the best of Princes that ever Heaven blest a Nation with; for us, I say, were our Government as Arbitrary as any in the East, yet I should think our Rights, Liberties, and whatever is most dear and valuable to us, as if they depended intirely upon Her Majesty's Gracious Will, as they are now they are secured to us by our Laws, or stronger Fences, if they could be made; but I speak in regard to those that are to come after us; and I do hope and trust, that as your Lordships have received such an inestimable Treasure from your Predecessors, you will transmit it inviolable to your Posterity.

That he feared he tired their

Lordships, but he must beg their Patience a little longer, while he expressed his surprize and wonder that the Doctrine of *Passive Obedience* and *Non Resistance*, in the unlimited Extent in which some explain it, was so diligently inculcated, and so zealously press'd at this Time. That *Passive Obedience*, he owned, when truly stated, is a truly Christian Duty, a perpetual Duty as to the Obligation, but occasional as to the practice of it. That Preachers do not usually, neglecting the pressing of other Duties of more constant practice, lay out their Time and Labour in filling both Pages of their Discourses with earnest Assertions and violent Exhortations to the practice of an Occasional Duty, unless they have some near prospect of an Occasional Duty, unless they have some near prospect of an occasion for the Exercise of it. And yet, my Lords, continued he, has this one Duty been, of late, more frequently and earnestly asserted and urged both from Pulpit and Press, than all the other Duties of Christianity: And what occasion for this does any one pretend to have in View? Can there be a Wretch so abandon'd, so lost to all Sense of Gratitude and every thing that is good, as to be capable of admitting a Thought, that our gracious Queen has done, is doing, or intending to do any thing, that may give her Subjects occasion for the practice of this

this Duty? Has she not ever since her happy Accession to the Throne, postponed, sacrificed her own Repose and Ease to the Quiet and Happiness of her Subjects? Has she not clearly shown that she has nothing so much at heart, as the good and Prosperity of her People, the true Interest and Honour of her Kingdom, which she has carried higher than any of her Royal Predecessors ever did before her? Has she not approved herself a true Parent of her Political Children, by exercising as prudent a care of, and expressing on all occasions as tender an Indulgence to them, as any natural Parents ever did towards theirs? If then there be no Occasion from the Conduct of our Prince, is there any Reason from the Behaviour of her People that may justify this extraordinary and otherwise unseasonable Zeal for this Doctrine? Do they (excepting such as the Zealots for this Doctrine have excited to disturb her peaceful Reign at home, by rebellious and dangerous Tumults and Insurrections) shew any Uneasiness under her Majesty's Government, or Inclinations to throw it off? Do they not bless their glorious Queen and God for her? Do they not on all Occasions express their grateful Sense of the many inestimable Blessings they enjoy through her Administration? Do not they constantly offer up their devout Prayers to God for her long Life and happy Reign? Do

they not willingly pay their Taxes for the Support of her Government, cheerfully expend their Treasure and Blood too in Defence of it? What then can be said for such a Conduct which can have no other natural Tendency than to create unreasonable Jealousies of her People in the Head of our Queen, and groundless Fears of their Queen in the Hearts of her People. Jealousies in the Queen, that her Subjects are inclinable to rebel against her, when the Clergy think it necessary thus to press these Restraints upon them; and Fears in the People, when their Pastors are so industriously preparing them for Sufferings?

He added, That he would not be thought to charge upon all that hold and assert this Doctrine, the Consequences which he might with too much Reason charge upon some of them; he meant such as did not allow her Majesty's Title to the Crown, but refused to take the Oaths to her, or join in Prayer for her, and had upon that account formed one of the most unaccountable Schisms that ever was made in the Church: That some of these had engaged zealously in asserting this Doctrine; and one of them in a Paper written in Vindication of it, had not been afraid to insinuate a Parallel between the Case of her Majesty and the Pretender, and that of *Athaliah* and *Joash*.

Horrid Suggestion that would make

make one tremble ! What do these Men mean ? Any Service to her Majesty ? No : The Consequences as to them are plain. If to resist upon any Occasion whatever, be unlawful, be *Rebellion, damnable Rebellion* ; then the *Revolution was Rebellion*, and all that were concerned in it are involved in that Guilt ; then we have continued in a *Rebellion* ever since ; then if we would avoid Damnation, we must repent of that Sin ; but there is no true Repentance without Restitution, and if there must be Restitution, they will tell you what that is.

That he would charitably hope, that the unfortunate Person now in Judgment before their Lordships, did not intend to carry Matters so far : But he must say, his Doctrine as he had stated and managed it, under his Head of *false Brotherhood*, with relation to the State, did give too great a Handle for those that had such Views, to improve what he had said to their Purposes. That the Council for him had laboured to defend him against the Charge in this Article, by producing a great many Quotations out of the *Homilies, Statutes, and Writings* of Divines, dead and living, wherein this Doctrine has been laid down generally. But they all allowed that Cases of extream Necessity were always excepted out of this general Doctrine ; and that tho' the Exception was not express'd,

yet it was always imply'd ; and they allowed farther, that the Case of the Revolution was a Case of such Necessity : But how did they apply this to the Case of their Client ? Thus : They said, that those divines whom they had quoted, were never found fault with for asserting the doctrine in general Terms, not expressing but tacitly implying the Exception ; then they asked why should the doctor be charged for asserting the doctrine in general Terms as others had done, not expressing the Exception which they had not expressed ? Why should not he be intitled to the favourable Construction of tacitly implying the Exception of Cases of Necessity, such a Necessity as they allowed justified the Revolution ? That indeed he should readily have admitted the Plea, if the doctor had done no more than barely assert the doctrine in general Terms, and his only Fault had been that he had not expressed the Exception which he tacitly implied : But (added his Lordship) has he done no more than this ? Has he not mentioned the *Case of the Revolution*, with no other View, as I can see, than to expose it, not as an Exception out of his general Position, but an Objection against it ? *Our Adversaries*, says he, that is, those that oppose his general doctrine, *think they have us sure i. e. effectually confute that doctrine, by objecting the Revolution.* This Objection.

jection must suppose that there was Resistance at the Revolution; for to say that the general doctrine, that it is not lawful, in any Case to resist, is not true, because the Revolution was lawful, in which there was no Resistance, would be a wonderful Objection indeed: I say, Resistance must be supposed in the Objection, to make Sense of it. How then does he solve this Objection? does he say the general doctrine always implies an Exception of Cases of Necessity? that the Revolution was a Case of such Necessity, and therefore that Necessity justify'd the Resistance at the Revolution? No, but by advancing a strange Position (which he proves by as strange a Medium) *viz. That there was no Resistance at the Revolution*: plainly implying, that if *there was Resistance at the Revolution*, which every Body knows there was, *the Revolution stands condemned* by his general doctrine. So that I cannot see that this learned Council, who wanted neither Abilities nor Inclinations to serve him, have at all defended him against the Charge in this Article. But this they have effectually done, they have given up his general doctrine, if it admits of no Exceptions; and thereby cleared the Revolution and the *necessary means* whereby it was brought about, from those black and odious Colours which he endeavoured to cast upon them.

That after all, he could truly

appeal to his own Heart, and a greater than it, the Searcher of it, that he was not any ways prejudiced against the Person of the unhappy Prisoner, but rather in favour of him, as he was of all Men in his suffering Circumstances, by a natural Tenderness (it may be a Weakness, but such a one as he could not help) which never suffer'd him, however obliged in Justice to it, to do a hard thing to any one however deserving it, without doing at the same time a hard thing to himself: And if their Lordships should be of Opinion in the Conclusion of this Trial, that the Commons had made good their Charge against him, he was sure he could come into as easy a Sentence upon him as might be consistent with the Honour and Justice of their Proceedings, and with that which he took to be the chief End in all Punishments, *not so much the hurting the Offender, as the preventing the like Offences*, and hindering others from committing them for the future. But that still there was surely a Tenderness and Compassion due to our Queen, our Country, and our Posterity, all which he humbly apprehended were highly concerned in the Issue of this Affair. That if Clergymen may with Impunity publicly in their Sermons arraign and condemn the Revolution; besides the Reflections they cast upon all the worthy Patriots that were concerned in that great Work,

Work, the Commonalty, Gentry, and Nobility, Lords upon every Bench in this House; besides this, it must shake and sap the very Foundation of our present Establishment, as it stands upon the Foot of the Revolution, and utterly destroy our future Hopes in the Protestant Succession, which is founded upon that Bottom only.

My Lords, (said he in the Conclusion) I must humbly ask Pardon for having trespass'd so long upon your Patience, and will conclude with this one Word, That in my Opinion, these Practisings of Cler-

gymen (to use the Expression of a great and eminent Prelate) in State Matters, are of that dangerous Tendency and Consequence, that if there be not some effectual Stop put to these Practisings, these Practisings will, in Time, put an effectual End to our Constitution. The Commons had therefore Reason to bring this Matter in Judgment before your Lordships, and I think they have fully made good their Charge, in the first Article of their Impeachment, against Doctor Sacheverell.

The Bishop of Lincoln's Speech, in the House of Lords, at the Opening of the second Article of the Impeachment against Dr. Sacheverell.

MY LORDS,

IT was the Misfortune of some of their Bench, that in the Prosecution of the foregoing Article of this Impeachment, a noble Lord who spoke very early to that Point, was pleased not only to anticipate their Judgment in that Particular, but to do it with this pretty hard Reflection, That in giving it, as he supposed they would, they should vote contrary to their own Doctrine. That it was not improbable but that, in the Course of the

present Debate, another Arrow might be drawn out of the same Quiver to shoot at them, and they might be told, that in defending of the Toleration granted by Law to the Dissenters, they shewed themselves to be Apostates from their own Order. But from both these Imputations he was persuaded, both their Writings and their Actions would secure them in the Judgment of all indifferent Persons.

P p p

That the substance of this second Article of the Impeachment, which their Lordships were now about to enter upon, was this: *That Dr. Sacheverell in his sermon doth suggest and maintain, That the Toleration granted by Law, is unreasonable, and the Allowance of it unwarrantable. That he is a false Brother with Relation to God, Religion, or the Church, who defends Toleration, and Liberty of Conscience. That Q. Elizabeth was deluded by Archbishop Grindal to the Toleration of the Genevian Discipline: And that it is the Duty of superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entituled to the Benefit of the Toleration; and insolently dares, or defies, any Power on Earth to reverse such sentences.* That this was the sum of this part of the Commons Charge against Dr. Sacheverell, and he thought the Managers had fully made it out; not by bare Intendments, by unnecessary Implications, and forced Constructions; not by piecing together broken sentences, and conjoining of distant and independent Passages, (as he had unjustly complained;) but by the plain Words, and necessary meaning, of a very great Part of his Discourse.

But before he troubled their Lordships with the Proof of this, he desired leave, upon this Occasion, (tho' it were no part of the Impeachment laid against the Preacher) to observe to their Lord-

ships what a strange Account the had thought fit to publish of that other popular Engine, which, he said, had been made use of to pull down the Church, and which he called by the Name of Comprehension.

That the Person who first concerted this supposed Design against our Church, was the late most Reverend Dr. Sancroft, then Archbishop of Canterbury. The Time, was towards the End of that unhappy Reign, of which so much was said upon the Occasion of the foregoing Article. Then, when we were in the height of our Labours, defending the Church of England against the Assaults of Popery, and thought of nothing else; that wise Prelate foreseeing some such Revolution as soon after was happily brought about, began to consider how utterly unprepared they had been at the Restoration of King Charles II. to settle many Things to the Advantage of the Church; and what a happy Opportunity had been lost for want of such a previous Care, as he was therefore desirous should not be taken, for the better and more perfect Establishment of it. It was visible to all the Nation, that the more moderate Dissenters were generally so well satisfied with that stand which our Divines had made against Popery, and the many unanswerable Treatises they had published in Confutation of it, as to express an unusual Readiness to come

come in to us. And it was therefore thought worth the while, when they were deliberating about those other Matters, to consider at the same time what might be done to gain them, without doing any Prejudice to ourselves. That the scheme was laid out, and the several Parts of it were committed, not only with the Approbation, but by the Direction of that great Prelate, to such of our Divines as were thought the most proper to be intrusted with it. His Grace took one Part to himself: Another was committed to a then pious and reverend Dean, Dr. Patrick afterwards Bishop of Ely, of our Church.

The reviewing of the daily Service of our Liturgy, and the Communion Book, was referred to a select Number of excellent Persons, two of which were at this time upon our Bench; and would, he was sure, bear Witness to the Truth of his Relation. That the Design was, in short, this: To improve, and, if possible, to inforce our Discipline; to review, and enlarge our Liturgy; by correcting of some things, by adding of others; and, if it should be thought advisable by Authority, when this Matter should come to be legally considered, first in Convocation, then in Parliament; by leaving some few Ceremonies, confess'd to be indifferent in their Natures, as indifferent in their Usage, so as not to

be necessarily observed by those who made a scruple of them; till they should be able to overcome either their Weakness, or Prejudices, and be willing to comply with them.

That how far this good design was not only known to, but approved of by, the other Fathers of our Church; that famous Petition for which seven of them were sent to the Tower, and which contributed so much to our deliverance, may suffice to shew. That *the Willingness they there declared of coming to such a Temper as should be thought fit with the Dissenters, when that Matter should be considered, and settled, in Parliament and Convocation*, manifestly referred to what was then known to several, if not all of the subscribers, to have been at that very time under deliberation. And that nothing more was intended than he had before said, was as evident from what was publicly declared in a Treatise purposely written to recommend the design when it was brought before the two Houses of Parliament, in the Beginning of the late Reign; and licensed by the Authority of a noble Peer, now present, who was at that time Secretary of State: In the very Beginning of which there is this remarkable Passage, which he begged leave to read to their Lordships: *No Alteration, that I know of, is intended but in Things declared to be alterable by the Church itself.*

itself. And if Things alterable be altered upon the Grounds of Prudence and Charity; and Things defective be supplied; and Things abused be restored to their proper Use; and Things of a more ordinary Composition, revised and improved; whilst the Doctrine, Government, and Worship of the Church remain intire, in all the substantial Parts of them; we have all reason to believe that this will be so far from injuring the Church, that, on the contrary, it shall receive a very great Benefit by it.

And now, my Lords, added he, let any impartial Person consider, what was there in such a design that could be justly esteemed prejudicial to the constitution of our church? Wherein would our canons have suffered, if those already made, had been more strongly enforced; and some new ones had been added, for the Reformation of Manners; for the better punishing of notorious Offenders; and to render our public discipline more strict and severe? This we have been wishing for, ever since the Reformation: What harm would it have done our church had it not been effected? Or how would our excellent Liturgy have been the worse, if a few more doubtful Expressions had been changed for plainer and clearer; and a Passage, or two, which however capable of a just defence, yet in many cases seen harsh to some even of our own Communion, had

either been wholly at liberty, in such cases, to be omitted altogether; or been so qualified as to remove all Exception against them in any case. If such collects, as are not yet adapted to the Festivals, or Gospels, to which they belong; had been made more full, and apposite to both: If some of the occasional Offices had been enlarged; and new ones added: If, for example, there had been a greater Variety of Prayers, Psalms, and Lessons appointed by Authority, instead of the Compositions of private persons, now necessarily to be used, for the Visitation of the sick; and new Forms composed for the Use of Prisoners for debt or crimes: For the greater Solemnity of receiving Profelytes into our Church; of reconciling Penitents to it; and of casting notorious Offenders out of it. These were some of the main things that were then designed: As for any favour to the Dissenters, none, that I know of, was intended, but what should have been intirely consistent with our own Constitution: And I hope it will not be thought any Crime for the Bishops, and Clergy of our Church, to be willing to enlarge its communion, by any Methods which may likely to gain others, and yet not injure our own Establishment.

But to satisfy their Lordships that nothing could have been designed to the Detriment of the Church; he desired them farther

to consider, how what was thus at first projected in private, by select Persons, and in a difficult time, when no Countenance was to be expected from Authority to any such purpose; was afterwards, if ever, to have been brought to Maturity. And this being a Matter of publick Notice, the Relation of it would admit of no Exception. That no sooner were their late Majesties, of Glorious Memory, seated in their Thrones, but this Design was openly espoused by them. A Commission was issued out, under the Great Seal of England, to a large Number of Bishops, and other eminent Divines, to meet together, and to consider of these Matters. What they did, having not had the honour to be one of them, he should not presume to say. This, said he, we know, that whatever they did, it was to have been carried on from Them to the two Convocations of *Canterbury* and *York*: And after it should have pass'd their Approbations, it was finally to have been laid before the two Houses of Parliament, and so to have gone on to the Royal Assent. This, my Lords, was the Course through which all that was designed, or should have been done in this Matter, must have pass'd; and I am perswaded nothing very injurious to our Churches Welfare, will ever be able to pass all through all these.

That having thus given their Lordships a true Account, of that

Design which Dr. *Sacheverell* mentions under the Name of Comprehension; he doubted not but that their Lordships will now be amazed to hear, what a false and scandalous Report he had made of it. In the 16th Page of his Sermon, he thus speaks of it: *The worst Adversaries of our Church, says he, were to be let into her Bowels under the Holy Umbrae of Sons; who neither believed her Faith; own'd her Mission; submitted to her Discipline; or Complied with her Liturgy. For the admitting of this Trojan Horse, big with Arms and Ruin, into our Holy City, the Straight Gate was to be laid quite open; Her Walls and Enclosure to be pull'd down; and a High-road made in upon Her Communion. Her Articles to be taught the Confusion of all Senses, Nations, and Languages.* That this is a very strange Representation of so good a design, as that he before recounted to their Lordships. Yet this Representation did this bold Man, as confidently, as falsely, make of it in the House of God; and publish to the View of the whole Nation. For thus he goes on: *This pious Design of making our House of Prayer a den of Thieves, of reforming our Church into a Chaos; is well known to have been attempted several times in this Kingdom, and lately within our Memory; when all things seem'd to favour it but that Good Providence which so happily interposed against the Ruin of our Church, and blasted the long projected*

Scheme

Scheme of these Ecclesiastical Achitophels. To lay nothing more of the design itself, of which I have given an Account before, Pray, my Lords, (added the Bishop of *Lincoln*) who were the *Architophels* that projected it; and must have concurr'd to the Execution of it? I have already named the First, and chiefest of them, the late Archbishop *Sancroft*. The next who openly approved of it, were the Commissioners who met upon it in the *Jerusalem* Chamber: A Set of Men, than which this Church was never, at any one time, bless'd with either wiser, or better, since it was a Church: (The Lord Bishop of *London*) Who it was that presided in the Convocation of this Province, to which this Project was next to be referr'd; and who, had it gone on, must have had a chief hand in the Management of it, I need not say. Any one who knows any thing at all of his Character; (and I am sure your Lordships are none of you Strangers to it) knows him to be too good a Friend to the Establishment of our Church, to have been capable of being engaged in such a Villainous Design, as Dr. *Sacheverell* pretends, for the Subversion of it. Or had he been otherwise, yet still the major part of that Venerable Body must have been as great *Achitophels* as himself, or no Harm could have been done by him. Pardon me, my Lords, if the Course of my Arguement obliges me to rise yet one Degree higher, and to say

that the like Majority of your Lordships, and of the House of Commons, together with his late Majesty, must all have come into the plot against the Church; or all the Skill, or Malice, of the Inferior *Achitophels*, would have signified nothing. And what Censure that Man deserves who has the Confidence to insinuate to the World, that the Bishops, the other Clergy, the Convocations; the Parliament, nay, and the late King himself, our glorious Deliverer; Or at least the geatest part of all these, were engaged in a project *so Monstrous, so Romanick and Absurd*, (for here I am content to use his own Expressions) *that it is hard to say whether it had more of Villany, or Folly, in it*, I shall submit it to your Lordships to consider. All I design in taking notice of this part of his Sermon, is only to clear the Memory of many excellent persons who are dead; and to vindicate the Reputation of some still living, and in the highest Stations of the Church; from that Load of Infamy which this rash Man has with so much Virulence of Speech cast upon them: And to let your Lordships see that nothing was intended in all that Affair but what was both honourable to those who engaged in it; and I am perswaded would have been for the Interest and peace of our Church and State, had it been accomplish'd.

That he came now to that which was the proper Subject of the present

sent Debate; namely to offer such passages to their Lordships, as he humbly conceived did plainly and fully make out the second Article of the Commons Impeachment against the preacher; and prove him to have spoken with more Freedom than he ought, not only of the dissenters themselves, but of the Toleration, or (as he had rather they should call it) the Indulgence granted by Law to them.

That it was not deny'd either by his Council, or himself, but that he had spoken, and spoken with warmth too, against Toleration: The only Question was, What the Toleration is against which he spake; Whether it was that which has been granted by Law to the Dissenters? Or whether it was only against a general Toleration of *Atheists, Deists, Soci-nians*; Men of no Principles, perhaps of no Religion; or at most against such of the Dissenters as abused the Indulgence granted them by Law; and made use of it to purposes not at all warranted by it; that the former of these the Commons charged upon him: The latter the Doctor pretended, the better to clear himself of their Charge.

That to determine this Point, he must in the first place beg leave to observe, that among the several Sorts of *False-Brethren*, enumerated by the Preacher with relation to God, Religion, or the Church; the Second kind is of those, who give up any Point of the Churches Dis-

cipline and Worship. Page 8. To this he adds, That those are *False-Brethren* who defend Toleration, and Liberty of Conscience. And that we may the better know what Toleration, and Liberty of Conscience he means, he specifies the very persons of whom he speaks; the *Dissenters*: *If, says he, to comply with the Dissenters both in publick and private Affairs, as Persons of tender Conscience and piety, to promote their Interests in Elections; to sneak to them for places and preferment; to defend Toleration and Liberty of Conscience, and under the pretence of Moderation, excuse their Separation, are the Criteria of a true Church-man; God deliver us all from such False-Brethren.* The Toleration therefore, and Liberty of Conscience, against which he speaks, must necessarily be that of the *Dissenters*; those who separate from our Church: He names no others; but carries the same persons thro' his whole Sentence, both before and after those Expressions. Either therefore it is no Reflection upon the Act of Indulgence to say that all those who defend the Toleration of the *Dissenters*, and are for allowing Liberty of Conscience to them, are *False-Brethren with relation to God, Religion, or the Church.* page 6, 7, and such against whom we ought to pray to God to deliver us all, page 8. Or if this cannot with any reason be either said or supposed, then it must remain, that Dr. *Sacheverell* has here said what the Commons charge him withal;

withal; and that in express Terms, viz. That he is a False-Brother who defends the Toleration, not of *Deists*, *Socinians*, and I know not what Monsters of Irreligion, but of the *Dissenters*: Those same *Dissenters* who by the Act of Indulgence have a Right to that Liberty of Conscience of which this Gentleman speaks so very hardly; and prays God to defend us from all such *False-Brethren* as shall presume to excuse it.

But not to insist upon a single passage which might be supposed to have dropt unwarily from him. In the Second part of his Sermon, he proceeds to shew the great perils and Mischiefs of those *False-Brethren*, against whom he was before speaking, both to the Church and State: page 15. And that these again are the same persons who have a Right to the Legal Indulgence is so very clear, that I do not see how it is possible for any to make the least doubt of it, pag. 18. He describes them as Occasional Conformists to the Church, pag. 19. As those who had the old Leaven of their Fore-Fathers still working in them: And, in the next Sentence, he expressly takes notice of the Religious Liberty which our Gracious Sovereign has indulged them. This in the very same Sentence he calls their Toleration: (for the Doctor himself is not tied up to any Niceties of Expression; he may call it so, tho' others may not:.) These

are the persons, and the only persons, of whom he speaks in all that part of his discourse; let us see what he says of the Indulgence granted by Law to them.

And first, he tells us, pag. 18. That it cannot be deny'd, but that tho' they do submit to the Government, their Obedience is forced, and constrain'd; and so treacherous and uncertain, as never to be trusted. That they are as much Occasional Loyalists to the State, as they are Occasional Conformists to the Church; and will betray either whenever it is in their power, and they think it for their Advantage. That nothing but a Sottish Infatuation can so far blind our Eyes and our Judgments, as to make us believe that the same Causes should not produce the same Effects; that the same Latitudinarian and Republican Notions, should not bring forth the same Rebellious and pernicious Consequences. That we should be convinced to our Sorrow, if we don't apprehend that the Old Leaven of their Fore-fathers is still working in the present Generation; and that this Traditional Poison still remains in this Blood of Vipers to sting us to Death. That they have advanced themselves from the Religious Liberty which our Gracious Sovereign has indulged them, to claim a Civil Right; and to jostle the Church out of her Establishment, by hoisting their Toleration into its Place. That to convince us what alone will satisfy them, they insolently demand the Repeal of the

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Corporation and Test Acts, which under Her Majesty is the only Security the Church has to depend upon: And which (if we may believe him,) They have so far eluded by their abominable Hypocrisy, as to have undermin'd her Foundations, and indanger the Government, by filling it with its professed Enemies. His meaning is plainly this; that the Dissenters, whom we are so foolish as to indulge, are a parcel of False and Treacherous Persons; Enemies both to our Church and State; and such as if not timely suppress'd, will convince us to our Sorrow of the weakness and folly, of taking such Vipers into our Bosom, as watch only for a fair Opportunity to sting us to Death.

But what then must we do to secure our selves against these dangerous Enemies? Why first, the Doctor assures us, that they are never to be gained by any favour that can be shew'd to them. *That he must be very Weak, or something worse, that things, or pretends, that the Dissenters (for of These he still speaks) are to be won over by any other Grants and Indulgences than giving up our whole Constitution.* This shews the folly of trying the soft way of Indulgence with them: And therefore he concludes; *That He who recedes the least tittle from it (our Constitution) to satisfy, or ingratiate with, these Clamorous, Insatiable, Church-devouring Malignants, knows not what Spirit they*

are of; or he ought shew who is the true Member of our Church.

This I think, (continued the Bishop of Lincoln) comes fully up to what is objected against him; namely, that Doctor Sacheverell, does in his Sermon suggest and maintain, *that the Toleration granted by Law is Unreasonable, and the Allowance of it Unwarrantable.* For so it must needs be, if the Dissenters be such Men as he tells us they are; and will be satisfied with nothing less, than he assures us they will. And yet what next follows, is, if possible, still more express to the same purpose. It is objected against him by the Commons, that He had affirm'd in his Sermon, *That Queen Elizabeth was deluded by Archbishop Grindal, (whom he scurrilously calls a False-Son of the Church, and a perfidious Prelate) to the Toleration of the Genevian Discipline.* The Fact is not denied; but the Expressions are excus'd; and the Truth of the Allegation is endeavour'd to be made out by Historical Memoirs: And it is hoped that your Lordships will not account it a High Crime and Misdemeanour, to have spoken too hardly of a Prelate who has been so many Years in his Grave.

I am, my Lords, very far from thinking, that the Commons ever intended to charge Dr. Sacheverell as guilty of High Crimes and Misdemeanours, for speaking scandalously of that Good Archbishop.

Their Concern was not for His Person, what respect soever they may have had (as all true Friends of the Reformation must needs have a very great One) for his Memory. But the Truth of the Matter in this. The Preacher complains Page 16, of his Sermon; that Queen *Elizabeth* was deluded by Archbishop *Grindal*, to the Toleration of the *Genevian* Discipline. He adds, that the Archbishop was a perfidious Prelate, for deluding her to Tolerate that Discipline. That she found it such a Headstrong and Encroaching Monster, that in Eight Years she saw it would endanger the Monarchy as well as the Hierarchy: And like a Queen of true Resolution, and pious Zeal for Both, she pronounced that such were the restless Spirits of that factious People, that no quiet was to be expected from them, till they were utterly suppress'd. That this therefore like a prudent Princess, she did by wholesome Severities; and the Effect was, that by this means the Crown for many Years sat easy and flourishing on her Head. But that her Successor, King James, did not follow her Wise Politicks: And the Result was as Deplorable on his Side, as it had been Glorious on Hers. For by this means, His Son fell a Martyr to their Fury: His unhappy Offspring, suffered such disastrous Calamities, as made the Royal Family one continued Sacrifice to their Malice. And all this for want of those wholesome Severities which

the wise Queen his Predecessor had Used utterly to suppress that Factious People.

This, my Lords, is the Doctor's Narrative, and I have given it you in his own Words. The Application is plain, and home. The *Dis-senters* are now again Tolerated, as they were heretofore under Queen *Elizabeth*. There is a perfidious Prelate (perhaps in his Opinion a great many) who, like Archbishop *Grindal*, help to delude another Queen, into the Toleration of them. These Eight Years past (for the very number of Years is remarkable) Her Majesty has born the restless Spirits of this Factious People; and had no quiet from them. It is now high time for her to alter her Measures, as Queen *Elizabeth* wisely did. It is the only way to make the Crown sit Easy, and Flourishing, upon her Head. And if this be not plainly to speak out what he would have done with the *Act of Indulgence*, I must despair of ever being able to know any Man's meaning by his Expressions. Such Examples are not only the most likely to enforce, but the most proper, and lively Methods to convey a Man's Sense, even to the dullest Capacity; and make him clearly perceive if not what he ought yet I am sure what the Preacher would have him to do.

The truth is, so plain was his meaning, that he himself began to fear that he had gone a little too far

far in what he had said of this Matter. And, for that reason, he added that One, poor Sentence which immediately follows, and of which he has made such good Use since: *That he would not be Misunderstood as if he intended to Cast the least Invidious Reflection upon that Indulgence the Government had condescended to them, (the Dissenters)* But what then did he intend by all this bitter Invective against them; and that very *Instructive* piece of History with which he concluded it? He has told us that the dissenters are False Brethren; destructive both of our Civil and Ecclesiastical Rights. That they are Occasional Loyalists to the State, as well as Occasional conformists to the Church; and will betray both, whenever they have it in their Power, and it shall be their Interest, to do it. That it must be a Sottish Infatuation to believe that the same Latitudinarian, and Republican Notions, should not bring forth the same Rebellious, and Pernicious Consequences: That we shall be convinced to our Sorrow, if we do not apprehend that the Old Leaven of their Forefathers, is still working in the present Generation: That they have already made dangerous Encroachments upon the Government; and published Treasonable Reflections upon her Majesty: That they have advanced their Indulgence into a Civil Right, and justled the Church out of her Establishment, by hoisting their Toleration into its place: That They have by

their abominable Hypocrisy undermined the Foundation of the Church, and endangered the Government, by filling it with its profess'd Enemies: That they are Clamorous, Insatiable, Church-devouring Malignants; whom no other Grants, or Indulgencies can win over but the giving up our whole Constitution: That ever since their first unhappy Plantation in this Kingdom, they have Improved, and Rose upon their demands in the Permission of the Government: That Queen Elizabeth, who Tolerated them for Eight Years together, was forced at last to suppress them by wholesome Severities: That this made her Crown sit Easy and Flourishing on her Head; whereas King James the First by not pursuing the like Methods ruined the whole Royal Family: That nothing better could be expected from such Miscreants, begot in Rebellion, Born in Sedition, and Nursed up in Faction.

All this Dr. Sacheverell, has said in these very plain, and emphatical Words. If he did not intend by all this to shew the Necessity of Suppressing these Factious People, these Vipers, who are just ready to sting us all to death, I would be glad to know what it was that he did Intend by it? Could he say all this, and with such a singular strain of impetuous Eloquence, and yet not intend to cast so much as the least invidious Reflections upon that Indulgence which the Government has thought fit to give them? I must freely

ly own, my Lords I could never have imagined this: Nay I must be excused if I add, That notwithstanding this poor Evasion, I cannot yet believe it. But the *Act of Indulgence* stood in his way: That *Act* the Queen had declared her Resolution to maintain: Your Lordships and the Commons had often shewn your Steadiness to the same Effect.

Even those who press'd so violently against *Occasional Communion*, yet thought it necessary to say, in the very Preamble of that Bill, that the *Act of Indulgence* ought inviolably to be Observed: And therefore Dr. *Sacheverell*, thought it needful to add somewhat that he knew would not take off any thing from the force of his Invective; yet might serve to excuse the Severity of it; and be made use of to the purpose it now is, if he should chance to be call'd to Account for it. This, my Lords, I conceive to be the true meaning of that one single Passage, so utterly repugnant to all the rest of his Discourse: Nor can I put any other Interpretation upon it.

For had I the same Opinion of these Men, their Principles and their Designs, that Dr. *Sacheverell*, has; I should be so far from thinking them fit to be Indulged, that I would account it my Duty, and the Duty of every true Friend to our Church and Government; to take the same Methods of Whole-

some Severies with them that Queen *Elizabeth* did: And I hope by God's Grace that should I be questioned for it, I should not dissemble my Opinion; but should have the Courage honestly to own it, whatever I might chance to suffer for it. He added, that he had insisted the longer upon this part of the Doctor's Sermon, because he would not willingly fall under the Censure of picking out disjointed Sentences, and putting them together from distant Places, that so he might the better draw a Sense out of them, contrary to his meaning. That he should trouble their Lordships but with one part more of it, to the same Effect; Pag. 24. 25. Where he comes to consider, what should be the Result of his long Discourse? Which he should read to their Lordships in his own Words, Pag. 15. *Let us therefore (says he) as we are unhappy Sharers of St. Paul's Misfortune, to have our Church in Perils amongst False Brethren, follow his Example, and Conduct in a Parallel Case. He tells in his Epistle to the Galatians, chap. 2. That he was obstructed and pester'd in Preaching the Gospel, by False-Brethren unawares brought in, who came privily to spy out his Liberty which he had in Christ Jesus, that they might bring him into Bondage. To whom he gave place by Subjection, no not for an Hour, that the truth of the Gospel might continue with the Church.*

Doubtless this brave and bold Resolution,

solution, did the Apostle take by the peculiar Command, and Inspiration of the Holy Ghost: And yet if Our Dissenters had lived in those Times, they would have branded him as an Intemperate, Hot, Furious Zealot; that wanted to be sweetned by the gentle Spirit of Charity, and Moderation forsooth. That here they had again the Persons of whom the Preacher speaks: They are Our Dissenters; not the Deists, Atheists, Socinians, Hypocrites, of our times. And accordingly, what follows, plainly refers to them: For thus he goes on, Schism and Faction are Things of Impudent and Incroaching Natures: Take Permissions for Power; and advance a Toleration, (for so the Dr. is still at Liberty to call, what we must stile Indulgence) immediately into an Establishment.

That their Lordships would please to observe, by the way, that this was the very thing he had before said of these same Persons, Pag. 19; and thereby plainly shews, that he speaks in both Places of those Dissenters who have a right to the Toleration, or Indulgence, granted by Law to Protestants Dissenters. Let us now, added his Lordship, hear what he would have done with them.

Why he would have them treated like Growing Mischiefs; or Infectious Plagues; kept at a distance, lest their deadly Contagion spread. And the Method he proposes in order thereunto, is this, Let us therefore,

says he, have no Fellowship with these works of Darkness; but rather reprove them. These Works Schism and Faction; For of these, and these only, it is he here speaks. This is the Peoples part; and the Inferiour Pastors: As for the Superior Pastors, let them do their Duty, in thundering out their Ecclesiastical Anathemas against them. Against whom, my Lords? What works of Darkness? Still the same he before mentioned: Our Dissenters, those are the Persons: their Schism and Faction; those are the works of Darkness to which he refers. And let any Power on Earth dare reverse a Sentence ratify'd in Heaven.

That this was the last part of the Commons Impeachment upon this Second Article: And 'twas so plainly expressed by the Preacher in this Passage, that his Lordship confessed it amazed him to consider with what Positiveness he had thought fit to deny that any such thing was meant by him. That the Persons whom the Superior Pastors are summoned to Anathematize, are the same with those, whom the other Pastors and People, are to have no Fellowship withal, but to Reprove. These, by the necessary connexion of his Discourse, are Our Dissenters; whose works of Darkness, he states to be Schism, and Faction: Those Dissenters to whom the Government hath granted a Toleration; as himself, in the same Passage takes notice.

Which being so; but when all is done, his own words would rise up against him, and appear to every impartial Person so plain, and positive, as to put it beyond any artificial Interpretation to perplex the meaning of them.

And this *said he in the conclusion*, lets us into the true Application of those Passages of Scripture, with which he concludes his whole Discourse: In which, having shewn the Danger of our Church from these *False-Brethren*, and exhorted his Auditory to a steady Courage and Resolution in the Defence of it; he thus at once both inforces his Doctrine, and abuses his Adversaries. That tho' the Church (for to that he applies, what *Zechariah* spake of the False Prophets that seduced the People) *lies bleeding of the Wounds which she has received in the House of her Friends*: A passage first thrown at my self, for Defending the prince's Authority, when some of these very Men engaged as vehemently on the side of *Liberty*, against the Rights of the Crown, as they now pretend to stand up vigorously for it: *Tho' the Ways of Zion may mourn for a time* (so the Dr. Glosses upon the Text) *and her Gates be desolate; her Priests sigh*; and she in bitterness, because (it is the preacher's Reason, the Text has no such Word) *Her Adversaries are Chief*; he means, in the Administration under Her Majesty: *and Her Enemies at present prosper*;

(so he again improves the Text; in hopes, I suppose, that it will not be long before he shall have preached them out of their Places) *Tho' among all her Lovers she has Few*, (the prophet complained that *Jerusalem* had none) to Comfort her; and many (*Jeremiah* said all) *have dealt treacherously with her, and are become her Enemies*; (he refers to those of whom he had before spoken *Pag. 22.*) *Tho' there are few to guide among all the Sons which she hath brought forth; neither are there many to take her by the Hand of all the Sons that she hath brought up*; (*Isaiah* in both places, says none) *Tho' her, Enemies cry down with her, down with her, even to the Ground*: That is, in other Words, tho' (the preacher, and a few of his Friends; excepted) both the Fathers pastors of the Church; and the Men who are at present in Power, and Authority, in the State, are become *False-Brethren*, and run in with those Enemies of the Church, *Our Dissenters*, against it; *Yet there is a God that can, and will raise her up, if we forsake her not*.

It were an easy matter to make many proper Remarks upon these passages of Scripture, thus applied, or rather abused, by the preacher: But that would be besides my present Business; and will fall in more properly under the *last Article of this Impeachment*. It is enough that I have, I hope, fully shewn
you

your Lordships how Dr. *Sacheverell* has treated it not the Indulgence it self, yet I am sure, *Those who are entitled to the Benefit of it*: And who if they shall have the Misfortune, by this kind of preaching, to be once generally thought such Wicked, False, and Dangerous Enemies to our *Church* and *State* as they they are here represented, I cannot think that their Indulgence will hold long. If they have Numbers to secure them, it is well for them: But otherwise I am sure as the Case is here stated, it must be our *Wisdom*, as well as Duty to suppress them.

How Criminal such an *Invective*

as this will be accounted in the Eye of the Law, I dare not presume to suggest: much less shall I pretend to intimate what Censure it may deserve. Somewhat I think should be done to put a stop to such preaching, as if not timely corrected may kindle such *Heats* and *Animosities* among us, as may truly endanger both our *Church* and *State*. As for the *Preacher* himself; I am very willing to come into any Measures of Favour to him, that are Consistent with your Lordships Honour and Justice; and will answer the Ends of the *Impeachment* that has been brought before us against him.

The Bishop of Norwich's Speech on the same Occasion.

HE said, he was very sensible under what Disadvantage in the Opinion of many, a Bishop must speak against a Clergyman that stands accused of Crimes committed by him in the seeming Execution of his Office; especially after having been so publicly required to be an Advocate as well as a Judge. And he was the more sensible of this prejudice lying against him, for having been so lately called into that Order, and for being so unworthy of it.

But he thought himself obliged notwithstanding, under all these Disadvantages, to deliver not only

his Judgment, but also the Reasons that determin'd him to it: which he should do as plainly as he could; with that deference to their Lordships, which he was sure it must upon all Occasions particularly become him to pay; and at the same time with that Freedom which he thought the Importance of this cause did at this time require.

That Dr. *Sacheverell* stood Impeached by the Commons of *Great-Britain*, of High Crimes and Misdemeanours expressed in the several Articles of the Charge exhibited against him: And their Lordships had heard what they had said in support

support of that Charge, as well as what had been offer'd in the Doctor's Defence.

That their Lordships had also debated among themselves the Merits of the Cause as to the first of these Articles; and had come to a Resolution, that the Commons had made good that part of their Charge: In which Resolution as he did heartily concur; so he was ready to have humbly represented to their Lordships his Reasons for so doing, had there been either room or occasion for it.

That their Lordships were now upon the *Second Article*; wherein the Doctor is charged for *suggesting and Maintaining that the Toleration granted by Law, is unreasonable, and the allowance of it unwarrantable*; with other particulars that have immediate relation to this general Charge, and which are indeed so many proofs of it.

That in this view therefore, he begged leave to consider them; And the First of these Instances, in Support of this Charge, is, that he asserts that *He is a False Brother, with relation to God, Religion, or the Church, who defends Toleration and Liberty of Conscience*; and this, my Lords, (continued he) the Doctor does assert in so many Words. It is one of the many Marks he gives whereby we may discern who is a False Brother in those Respects; not a *small part of one General Mark*, as was alledged very incon-

clusively, I think, in his defence. For if it was to be granted, (tho' it cannot be fairly pretended) that the Doctor makes the *defending* of Toleration and Liberty of Conscience, one Branch only of the Character of a False Brother; I do not see how it could make even a part of that Character, if there was no False Brotherhood in it.

And I shall not trouble my self or your Lordships with going about to settle the degrees of False Brotherhood that are in this part of the Character, because I think every degree of it is unreasonable and not to be warranted. And therefore the Doctor cannot make it so much as a part of the Character of a False Brother to defend Toleration and Liberty of Conscience, as it is confess'd that he does, but he must at the same time *suggest and maintain that the Toleration is unreasonable, and the Allowance of it unwarrantable*.

For it can never be any degree of False Brotherhood, to defend what is reasonable and warrantable: Nor would even the doctor, as inconsistent a Man as several of the Noble Lords that have spoken for him represent him to be, ever have made it one; if he had not himself condemned that which he blames others for defending.

That the Second instance alledged is, that *he calls Archbishop Grindal a False Son of the Church, and a perfidious Prelate, for deluding Queen Elizabeth*

Elizabeth into the Toleration of the Genevian Discipline. That he should not go about to add any thing to the full and just Vindication they had heard of that Excellent Prelate. But could any of their Lordships believe, that a Presbyter of the Church of England, professing more than ordinary Zeal for Episcopacy and the Constitution of this Church; should bestow such Language on one who was the first Bishop and the Ornament of it so long; only for disposing that Glorious Queen to a mild Treatment of the Puritans of that Time, which is the utmost that was pretended to be laid to his Charge, if he had thought Toleration a reasonable thing, or what was fit to be established by Law?

This, my Lords, (added he) I confess can never into my Thoughts, as ready as I am to enlarge them for the admitting of any favourable Construction that will not shut out Common Sense.

That the *Third Instance* is his making it the Duty of the Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entitled to the Benefits of the Toleration.

And to shew that he has done this, he need only refer their Lordships to that Part of his Sermon where the Superior Pastors are called upon to do so; (viz.) the Fourth and last General Head, where he draws the Consequence of all that

he had spoken before in the following Words.

Now what should be the Result of this long Discourse, but that if we bear any true Concern for Interest, Honour, and Safety of our Church, and Government, we ought stedfastly to adhere to those Fundamental Principles upon which both are founded, and upon which their Security, under God, alone depends: and consequently that it highly behoves us, cautiously to Watch against, to Mark, and Avoid all those that thus treacherously desert them.

And indeed it would be both for our Advantage, as well as their Credit, if such Men would throw off the Mask, entirely quit our Church of which they are no true Members, and not fraudulently eat her Bread, and lay wait for her Ruin, pilloin her Revenues, and ungratefully lift up their Heels against her.

For then we should be one Fold under one Shepherd; all those Invidious Distinctions, that now Distract and Confound us, lost; and we should be terrible like an Army of Banners to our Enemies; who could never break in upon such an Uniform and Well compacted Body. This indeed would be a True Peace, and Solid Union, when we should all with one Mind and one Mouth glorify God, and not with a confus'd diversity of Contradictory Opinions, and inconsistent Jargon

of Worship, which the God of Peace, Purity and Order cannot but abhor. As it is a Maxim in Politicks, that all Governments are best supported by the same Methods upon which they are founded; so it will appear undeniably true in its Application to our Constitution, which can be maintained by no other Principles but those on which it is built, and like their Basis, the Gospel, if there's any Violation or Breach made in any Branch of it, it shakes and endangers the whole Frame and Body.

These Things however little they may be represented by our Adversaries, will be found of the most Consequence.

Let us therefore, as we are unhappy sharers of St. Paul's Misfortune, to have our Church in Perils among False Brethren, follow his Example and Conduct in a parallel Case. He tells us, in his Epistle to the *Galatians*, chap. 2. that he was obstructed and pestered in his Gospel, by False Brethren unawares brought in, who came privily to spy out his Liberty, which he had in Christ Jesus, that they might bring him into Bondage: To whom he gave place by Subjection, no not for an Hour, that the Truth of the Gospel might continue with the Church.

Doubtless this brave and bold Resolution did the Apostle take by the peculiar Command and Inspi-

ration of the Holy Ghost; and yet if our Dissenters had lived in those Times, they would have branded him, as an intemperate, hot, furious Zealot, that wanted to be sweetened by the gentle Spirit of Charity and Moderation forsooth. Schism and Faction, are Things of impudent and incroaching Natures, they thrive upon Concessions, take permission for Power, and advance a Toleration immediately into an Establishment. And are therefore to be treated like growing Mischiefs, or infectious Plagues, kept at a Distance, lest their deadly Contagion spreads. Let us therefore have no Fellowship with those Works of Darkness, but rather reprove them. Let our superior Pastors do their Duty in thundring out their ecclesiastical Anathemas, and let any Power on Earth dare reverse a Sentence that is ratify'd in Heaven.

Can any thing be plainer than that the Dissenters, and they only, are here spoken of; and what does the Doctor say in his own Defence to avoid it? His Words in his printed Speech are these:

Schismatics, my Lords, are not the only Persons against whom Ecclesiastical Censures may be denounced: The Works of Darkness which I referred to as fit to be reprov'd, in that part of my Sermon where I speak of these Censures, are of the same kind with those mentioned by the

the Apostle, whose Words I produced; All Lewd and Immoral Practices, &c.

The Bishop of *Norwich* said, it was very true: Schismatics are not the only Persons against whom Ecclesiastical Censures may be denounced, but he must still say, they are the only Persons referred to, in the Paragraph he had read to their Lordships; and therefore he owned he was a good deal concerned, to find the Doctor making so vain and so unsincere a Defence. For it is not Works of Darkness in general he is cautioning against, but expressly, by a Word of his own inserting, not the Apostle's, those Words of Darkness mentioned immediately, which are *Schism* and *Faction*, which with him go always together. That these are the Sins against which he calls upon his superior Pastors to thunder out their Ecclesiastical *Anathema's*; nor can the Charge be avoided by that Distinction which was offered in his behalf, between a Censure purely Spiritual, and an Ecclesiastical Censure.

For admitting there is ground for that Distinction in a scholastical Consideration of the general Question of Christian Censures; yet there is no room to make use of it in this case, because he calls expressly for Ecclesiastical *Anathema's*, which can be applied to none but such as are part of the Order and

Discipline of this Church.

That it is certain that these Censures cannot, since the Act of Toleration, be inflicted upon Dissenters, how much soever their Schism remains; because it is expressly provided by an Act of Parliament, (an Act of the whole Christian Society, to which the superior Pastors were personally concurring) that they be not treated as Schismatics in the way of those Ecclesiastical Censures, to which their Separation would otherwise have certainly subjected them.

And though he could not undertake upon Memory to be very particular, yet he durst venture to say, there have anciently been Relaxations of the Discipline of the Church, even when the Crime was thought to deserve the Continuance of it; for publick Expedience, and better preserving the Peace of the Christian World: And that in such Cases any Presbyter or Bishop would have been censured, if he had not acquiesced in such Relaxations. That a Presbyter of the Church of *England*, is the more obliged to acquiesce in all such Relaxations amongst us as are legally made, because he has solemnly promised at his Ordination, that *he will give his Faithful Diligence always so to minister the Doctrine and Sacraments, and the Discipline of Christ, as the Lord hath commanded, and as this Church and Realm hath received*

received the same.

That he had already observed to their Lordships, how the Discipline of the Church stood at present as to the Point in question. And as the Relaxation of it in that particular, was agreeable to that Temper which the Bishops who petitioned King *James*, gave the Dissenters ground to expect: So he was verily persuaded that the Church is so far from having been hurt by this Indulgence, that it has received Advantage as well as Credit, from that Moderation which gave way to it. That he could give several Instances of this within his own Observation, while I was Arch-Deacon, under a Reverend Prelate that sat now before him; and since he had the Honour to be on that Bench: In which compass of time several Men of Sobriety and Learning bred up to be Ministers amongst the Dissenters, had left the Separation, and upon due Tryal had been admitted to Orders in our Church; in which they had officiated with entire Conformity to our Rules, and to the Honour of our holy Religion.

That these Instances had been so frequent and remarkable, since the Dissenters had been exempted from the Penalties of certain Laws, above what had been observed before; that he thought it very ill becomes any Clergyman to preach against that Exemption, as the Dr.

(notwithstanding his Reserve for Consciences truly scrupulous) had done; and to call upon his Superiors to act in contradiction to it.

He should have forbore doing this, at least out of regard to her Majesty, who had been graciously pleas'd to declare from the Throne, *that she would preserve the Toleration inviolable*: A Resolution he should ever think it his Duty upon all proper Occasions to express his Approbation of, as just and wise and charitable, and every way agreeable to the Spirit and Genius of the Christian Religion. That he should not enter into the Enquiry of what Sentences are ratify'd in Heaven: But as one may venture to say, that all that have been pronounced on Earth, are not ratify'd there; so by all he had seen of the Doctor's Spirit in these Matters, he had great reason to fear, that if the Power of the Keys was in his Hands, it would be very sadly abused.

However, added he, he has so good an Opinion of his own Spirit, as to put his Superiors in mind of another Part of their Duty, and that is, to *promote Men of Probity, Conscience and Courage*, without which he thinks they cannot be fit Members of the Church Militant, in which I can as little agree with him as in the former demand.

For if I may Judge of the Probity, Conscience, and Courage he thinks so deserving, by what appears in his Sermon, compared with his Speech to your Lordships; I cannot think them Qualifications for a Minister of the Church of Christ in any respect; and I hope I shall be so happy as to find all the Reverend Prelates with whom I have the honour to sit, agreeing with me in this.

But tho' I hope such a Conduct will never recommend any Person to favour; yet I do not desire that even that which I heartily blame, should be punished so much as I think it deserves. And tho' He who pleads so warmly for wholesome Severities toward those who differ from him, has the least Title to Your Lordships Compassion; Yet I hope he will find it as far as the just Concern you have for the Publick Tranquillity will allow you to.

This I say from that which I bless God is the natural Temper of my Mind, and not from the Care that has been taken by some to intimate as far as they could, those who were to have the Cognizance of the Doctor's Cause, and were not thought to be favourable to it.

I shall not take upon me to charge the Doctor or any of his particular Friends with this Practice, as great a Temptation as one is under to do so from several Circumstances. And

it is not the least, that occurs in his Prayers, which he has published upon this occasion, to represent not so much to God as to the World, that he is under Persecution, when he is prosecuted for offending against the Law, by those who in common Justice ought to be thought the fairest Accusers; and before your Lordships who are justly acknowledged to be the most impartial Judges.

However I will never believe, till I cannot avoid it; that any Members of the Church of England who have acknowledged the Government, much less any Clergyman who has so often professed his Obedience to it in Church and State, should have been any way accessory to those threatnings that have been given out, particularly against such Bishops as should happen to condemn the doctor's Proceedings.

As far, My Lords, said he in the Conclusion, as I have seen of this Cause, I am likely to be one of those Bishops; and tho' I do not pretend to any great share of Courage, I am very free to declare to Your Lordships that I am in no comparison so apprehensive of what may befall my self for condemning this Person, as I am of what will probably befall the Publick if Your Lordships should not condemn him.

But that is in Your Lordship's Judgment, to which I humbly submit it: And only beg Pardon for having

having detained Your Lordships so long in giving my reasons why I think the Commons have made good this Second Part of their Charge.

No Person offering to speak in favour of Dr. Sacheverell, the Question was put, That the Commons have been made the Second Article of their Impeachment, against Henry Sacheverell, Doctor in Divinity; which was resolved in the Affirmative.

Then the Third Article of the Commons Impeachment being Read, little was said on either Side, thereupon; and then the Question being put, That the Commons had made good the said Article, it was likewise resolved in the Affirmative.

Debates about the Fourth Article.

The Fourth Article which was read next, occasioned a longer Debate, which was opened by the Earl Wharton, who was of the present ministration:

The Bishop of Salisbury seconded him, and spoke with Vehemence against Doctor Sacheverell; who by inveighing against the Revolution, Toleration, and Union, seemed to arraign and attack the Queen herself, he added, That nothing could be more plain, than his Reflecting on her Majesty's Ministers; and that he had in particular, so well marked out a Noble Peer there present, by an Ugly and Scurrilous Epithet, (which

he would not repeat) that 'twas not possible to mistake him.

This set the whole House a Laughing; and several Lords cryed name him, name him; but the Lord Chancellor moderated the Matter, saying, no Peer was obliged to speak, but what he thought fit. The Lord Ferrers said something in Favour of Dr. Sacheverell, but was answered by the Earl of Ila; and then the Lord Haversham made a short Speech, about that Part of the Fourth Article, wherein Dr. Sacheverell is charged with wresting and perverting divers Passages of Holy Scripture.

The Lord Haversham's Speech.

He said, in Substance, That no Man on Earth has Authority to interpret the Scripture; which as he thought, must be interpreted by it self; That ever since the Reformation, we had contended against the Church of Rome, who pretended to that Authority: And shall we, added he, allow Infallibility in the Commons, which we deny in the Pope of Rome? And in the Conclusion, his Lordship repeated his Desire, that the Reverend Prelates, there present, would tell the House, how Doctor Sacheverell could be charged with wresting the Scripture? But none of the Bishops offered to satisfy him.

The Duke of Hamilton having said something in Favour of Doctor Sacheverell, he was answered by the Lord

Lord Mohun, to whom his Grace readily replied.

But tho' the Duke of Buckingham, the Lord Ferrers, the Earls of Scarfdale and Abingdon, and the Lord Carmarthen endeavoured likewise to extenuate the Doctor's Offence; yet the Question being put, That the Commons had made good the Fourth Article of Impeachment, it was Resolved in the Affirmative.

Then the Earl of Wharton said, That since the House had resolved, that The Commons had made good their Four Articles of Impeachment against Dr. Sacheverell, the Lords ought by a necessary Consequence, resolve and declare likewise, That the said Dr. Sacheverell was Guilty of the High Crimes und Misdemeanors charged upon him: But the Earls of Abington and Rochester, the Lord-Treasurer, the Lord North and Grey and the Lord Ferrers, stating some Difficulties, and moving for a Debate it was proposed, That the Question to be asked every Lord in Westminster-Hall, should be as follows.

That the Commons having made good the several Articles of Impeachment against Henry Sacheverell Doctor in Divinity, the said doctor Henry Sacheverell is Guilty of High Crimes and Misdemeanors.

After which the Earl of Nottingham moved for adjourning the debate, which was agreed to.

Accordingly on the 18th of March, the said Question, and the Order for

resuming the adjoured debate, being read, the Earl of Rochester moved, That the Judges should be advis'd with: But no Person seconding that Motion, the Lord Guernsey said, That the Question, as stated, was not fit to be put in Westminster-Hall, because it would subvert the Constitution of Parliament, and preclude the Peers from their Right of giving their Judgment, both of the Fact, as well as of the Law: For in this Case some Peers might be satisfied as the Fact, but not as to Law, and if they were to give their Judgment as the Question was stated, their Freedom of Voting would be taken away: Therefore his Lordship moved, That the first Part of the proposed question be left out.

The Lord North and Grey spoke next, said, There was no Necessity of putting the question in Westminster-Hall, but only to acquaint the Commons there, That Dr. Sacheverell was guilty in Geenral: For, added his Lordship, how can any Peer that thinks him Not Guilty, as for my part, I don't say in the Face of the Commons He is not Guilty, and allow at the same time, that the Commons have made good their Articles of Impeachment! Hereupon the Earl of Wharton said, He wondered at the Lord Guernsey's making that Motion, after the House had come to a Resolution, that the Commons had made their Articles; That the question, as stated by the Lord-Chancellor, did not preclude any Peer from his

his Right of giving his Judgment: For every Lord was at liberty to protest and enter his dissent, if he would not be convinced by the Majority of the House: And that the Lords being in the Nature of a Jury, ought to deliver their Opinion Seriatim.

The Lord Ferrers backed the Lord Guernsey's Motion; objecting against the Preamble of the question as unnecessary; and urging, That 'twas only the Majority of the House, and not the House, that came to a Resolution, that the Commons had made good their Impeachment.

On the other Hand, the Lord Guernsey, in Answer to the Earl of Wharton said, That the Lords were not as a Jury, for every Lord was both a Judge and a Juror: That some Peers might think doctor Sacheverell Guilty of one Part, and Innocent of the Other; and yet if they were to give their Judgment as this question was stated, how could they say he was not Guilty, when the Preamble set forth, That the Commons had made good their Impeach-

ment? The Earl of Wharton replied, That this Objection had been more proper, before the House had proceeded so far.

However, the Earl of Rochester having moved, that the Preamble be left out, the Earl of Wharton, and the rest agreed to it, and thereupon the Lord-Chancellor stated the question thus, That the question to be put to each Lord in Westminster-Hall, beginning at the Junior Baron first shall be. Is Dr. Sacheverell guilty of High Crimes and Misdemeanors? The Earl of Nottingham moved, that the Words of *high crimes and misdemeanors* be left out; and was seconded by the Lord North and Grey: The Earl of Wharton said, that what was offered was unfair? For the Commons having Impeached Dr. Sacheverell of High Crimes and Misdemeanors, and the Lords agreed and resolved That the Commons had made good their Impeachment, it necessarily followed, that he was guilty of the said High Crimes and Misdemeanors.



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